

Volume 32, Number 4
Pages 289–390
February 15, 2007

SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 10—Nursing Home Program

EMERGENCY AMENDMENT

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services. The division is adding subparagraph (4)(A)1.I.

PURPOSE: This amendment outlines how the Fiscal Year 2007 trend factor will be applied to adjust per diem rates for ICF/MRs participating in the Medicaid program.

EMERGENCY STATEMENT: The Department of Social Services, Division of Medical Services by rule and regulation must define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance provided. For State Fiscal Year 2007, the appropriation by the General Assembly included additional funds to increase nonstate-operated ICF/MR facilities' reimbursement rates by seven percent (7%). The Division of Medical Services is carrying out the General Assembly's intent by providing for a per diem increase to ICF/MR facility reimbursement rates of seven percent (7%). The seven percent (7%) increase is necessary to ensure that payments for ICF/MR facility per diem rates are in line with the funds appropriated for that purpose. There are a total of nine (9) nonstate-operated ICF/MF facilities currently enrolled in Missouri Medicaid,

all of which will receive a seven percent (7%) increase to their reimbursement rates. This emergency amendment will ensure payment for ICF/MR services to approximately eighty-nine (89) ICF/MR Missourians throughout State Fiscal Year 2007 in accordance with the appropriation authority. This emergency amendment must be implemented on a timely basis to ensure that quality ICF/MR services continue to be provided to Medicaid patients in ICF/MR facilities for State Fiscal Year 2007 in accordance with the appropriation authority. As a result, the Division of Medical Services finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The Missouri Medical Assistance program has a compelling governmental interest in providing continued cash flow for ICF/MR services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The Division of Medical Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material is published in this issue of the *Missouri Register*. This emergency amendment was filed January 24, 2007, effective February 3, 2007, expires August 1, 2007.

(4) Prospective Reimbursement Rate Computation.

(A) Except in accordance with other provisions of this rule, the provisions of this section shall apply to all providers of ICF/MR services certified to participate in Missouri's Medicaid program.

1. ICF/MR facilities.

A. Except in accordance with other provisions of this rule, the Missouri Medical Assistance Program shall reimburse providers of these LTC services based on the individual Medicaid-recipient days of care multiplied by the Title XIX prospective per diem rate less any payments collected from recipients. The Title XIX prospective per diem reimbursement rate for the remainder of state Fiscal Year 1987 shall be the facility's per diem reimbursement payment rate in effect on October 31, 1986, as adjusted by updating the facility's allowable base year to its 1985 fiscal year. Each facility's per diem costs as reported on its Fiscal Year 1985 Title XIX cost report will be determined in accordance with the principles set forth in this rule. If a facility has not filed a 1985 fiscal year cost report, the most current cost report on file with the department will be used to set its per diem rate. Facilities with less than a full twelve (12)-month 1985 fiscal year will not have their base year rates updated.

B. For state FY-88 and dates of service beginning July 1, 1987, the negotiated trend factor shall be equal to two percent (2%) to be applied in the following manner: Two percent (2%) of the average per diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1987, shall be added to each facility's rate.

C. For state FY-89 and dates of service beginning January 1, 1989, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1988 shall be added to each facility's rate.

D. For state FY-91 and dates of service beginning July 1, 1990, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1990, shall be added to each facility's rate.

E. FY-96 negotiated trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per diem rates effective for dates of service beginning January 1, 1996, of six dollars and seven cents (\$6.07) per patient day for the negotiated trend factor. This adjustment is equal to four and six-tenths percent (4.6%) of the weighted average per diem rates paid to nonstate-operated ICF/MR facilities on June 1, 1995, of one hundred and thirty-one dollars and ninety-three cents (\$131.93).

F. State FY-99 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 1998, of four dollars and forty-seven cents (\$4.47) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF/MR facilities on June 30, 1998, of one hundred forty-eight dollars and ninety-nine cents (\$148.99).

G. State FY-2000 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 1999, of four dollars and sixty-three cents (\$4.63) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF/MR facilities on April 30, 1999, of one hundred fifty-four dollars and forty-three cents (\$154.43). This increase shall only be used for increases for the salaries and fringe benefits for direct care staff and their immediate supervisors.

H. State FY-2001 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 2000, of four dollars and eighty-one cents (\$4.81) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF/MR facilities on April 30, 2000, of one hundred sixty dollars and twenty-three cents (\$160.23). This increase shall only be used for increases for salaries and fringe benefits for direct care staff and their immediate supervisors.

I. State FY-2007 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase of seven percent (7%) to their per diem rates effective for dates of service billed for state Fiscal Year 2007 and thereafter. This adjustment is equal to seven percent (7%) of the per diem rate paid to nonstate-operated ICF/MR facilities on June 30, 2006.

2. Adjustments to rates. The prospectively determined reimbursement rate may be adjusted only under the following conditions:

A. When information contained in a facility's cost report is found to be fraudulent, misrepresented or inaccurate, the facility's reimbursement rate may be reduced, both retroactively and prospectively, if the fraudulent, misrepresented or inaccurate information as originally reported resulted in establishment of a higher reimbursement rate than the facility would have received in the absence of this information. No decision by the Medicaid agency to impose a rate adjustment in the case of fraudulent, misrepresented or inaccurate information in any way shall affect the Medicaid agency's ability to impose any sanctions authorized by statute or rule. The fact that fraudulent, misrepresented or inaccurate information reported did not result in establishment of a higher reimbursement rate than the facility would have received in the absence of the information also does not affect the Medicaid agency's ability to impose any sanctions authorized by statute or rules;

B. In accordance with subsection (6)(B) of this rule, a newly constructed facility's initial reimbursement rate may be reduced if the facility's actual allowable per diem cost for its first twelve (12) months of operation is less than its initial rate;

C. When a facility's Medicaid reimbursement rate is higher than either its private pay rate or its Medicare rate, the Medicaid rate will be reduced in accordance with subsection (2)(B) of this rule;

D. When the provider can show that it incurred higher cost due to circumstances beyond its control and the circumstances are not experienced by the nursing home or ICF/MR industry in general, the request must have a substantial cost effect. These circumstances include, but are not limited to:

(I) Acts of nature, such as fire, earthquakes and flood, that are not covered by insurance;

(II) Vandalism, civil disorder, or both; or

(III) Replacement of capital depreciable items not built into existing rates that are the result of circumstances not related to normal wear and tear or upgrading of existing system;

E. When an adjustment to a facility's rate is made in accordance with the provisions of section (6) of this rule; or

F. When an adjustment is based on an Administrative Hearing Commission or court decision.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000. This rule was previously filed as 13 CSR 40-81.083. Original rule filed Aug. 13, 1982, effective Nov. 11, 1982. For intervening history please consult the Code of State Regulations. Amended: Filed Jan. 16, 2007. Emergency amendment filed Jan. 24, 2007, effective Feb. 3, 2007, expires Aug. 1, 2007. A proposed amendment covering this same material is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2006.

EXECUTIVE ORDER

07-01

WHEREAS, emergencies may arise at any time, including but not limited to power outage due to tornado, rain, snow or ice storm, propane or gas shortages due to extremely cold conditions requiring carriers to travel out of state to haul fuel and distribute such fuel upon their return, flooding conditions, potential terrorist attack, or other unforeseen emergencies; and

WHEREAS, many of these emergencies occur after normal working hours or on holidays; and

WHEREAS, the safety and welfare of the inhabitants of the affected areas may require the rapid identification of an emergency situation that necessitates the need to suspend state enforcement of federal commercial vehicle and driver laws; and

WHEREAS, Section 390.23 of Title 49, Code of Federal Regulations, provides that a Governor of a State, or the Governor's authorized representatives having authority to declare emergencies, may declare an emergency thereby exempting motor carriers or drivers operating a commercial vehicle from the Federal Motor Carrier Safety Regulations, Parts 390-399, both while providing assistance to the emergency relief efforts during the emergency, and while returning empty to the motor carrier's terminal or driver's normal work reporting location; and

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order as follows:

1. The Director of the Missouri Department of Transportation is authorized to issue an emergency declaration of a regional emergency within the meaning of 49 CFR section 390.23(a)(1) or a local emergency within the meaning of 49 CFR section 390.23(a)(2) for the limited purpose of temporarily suspending the usual requirements of Parts 390-399 of Title 49, Code of Federal Regulations, with reference to motor carriers and operators of commercial motor vehicles, when such official determines that an emergency situation exists which requires the suspension of federal commercial motor vehicle and driver laws. An emergency declaration issued pursuant to this order shall not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or five days from the date of the initial declaration of the emergency, whichever is less; and

2. The Director of the Missouri Department of Transportation, or the Director's designee, is also authorized to issue overdimension and overweight permits for commercial motor carriers engaged in interstate and intrastate disaster relief efforts in the affected regions identified by the regional or local emergency declaration(s) authorized in paragraph 1 above, subject to the following application requirements in obtaining such a permit:

The permittee will be required to supply:

Year, Make, License plate number, and Vehicle Identification Number (VIN) of the power unit and trailer;
Size, Make and Serial Number (last 4 digits) of commodity being hauled;
Origin, Destination and Consecutive Routing;
Overall Width, Height, Length and length of trailer and load only; and
Date of Movement.

The permit process can be expedited by calling:

866-831-6277
573-526-5314; or
573-522-8176.

This Executive Order shall allow continuous movement, including nighttime and moves during curfew hours and holiday restriction periods. Clearance lights in lieu of flags and reflectorized oversize load signs mounted on the front and rear of the vehicle and load are required for nighttime movement or when visibility is less than 500'. One (1) escort shall be required to the rear of the vehicle and load on interstates and other divided highways and such escort shall be required for the front of the vehicle and load on all other highways when the load width exceeds 12'4".

However, this Executive Order shall not suspend the applicability of the standard overdimension/overweight permit fee requirements; and

3. The Director of the Missouri Department of Transportation, or the Director's designee, is also authorized to waive the commercial motor vehicle regulatory requirements regarding the purchase of trip permits for registration and fuel and to waive the mileage restrictions on restricted plates for commercial motor carriers engaged in interstate disaster relief efforts in any of the affected states identified by regional emergency declarations authorized in paragraph 1 above; and

4. The Director of the Missouri Department of Transportation, or the Director's designee, shall notify the Governor's office as soon as possible of any emergency declarations issued pursuant to this order.

This order shall terminate on January 1, 2008, unless extended or revoked in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 2nd day of January 2007.

A handwritten signature in black ink, reading "Matt Blunt", written over a horizontal line.

Matt Blunt
Governor

ATTEST:

A handwritten signature in black ink, reading "Robin Carnahan", written over a horizontal line.

Robin Carnahan
Secretary of State

EXECUTIVE ORDER

07-02

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that severe winter storm systems causing damages associated with snow, freezing rain, sleet and ice have impacted communities across the State of Missouri; and

WHEREAS, interruption of public services are occurring as a result of the severe weather that began on January 12, 2007 and continues; and

WHEREAS, the severe weather that began on January 12, 2007 and continuing has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Section 44.100 and 44.110, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on February 15, 2007, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 12th day of January 2007.




Matt Blunt, Governor


Robin Carnahan, Secretary of State

**EXECUTIVE ORDER
07-03**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that severe winter storm systems causing damages associated with snow, freezing rain, sleet and ice have impacted communities across the State of Missouri; and

WHEREAS, interruption of public services are occurring as a result of the severe weather that began on January 12, 2007 and continues; and

WHEREAS, the severe weather that began on January 12, 2007 and continuing has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Section 44.100 and 44.110, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Section 41.480.2, RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this State.

This order shall terminate on February 15, 2007, unless extended in whole or in part.

IN WITNESS WHEREOF, I have
hereunto set my hand and caused
to be affixed the Great Seal of the
State of Missouri in the City of
Jefferson on this 12th day of January
2007.




Matt Blunt, Governor


Robin Carnahan, Secretary of State

EXECUTIVE ORDER

07-04

WHEREAS, I have been advised by the Director of the Missouri State Emergency Management Agency that a natural disaster of significant proportions has occurred in Missouri, which has been affected by severe weather; and

WHEREAS, the severe winter weather that began on January 12, 2007 and continuing has created a condition of distress and hazards to the safety and welfare of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the Missouri Department of Natural Resources is charged by law with protecting and enhancing the quality of Missouri's environment and with enforcing a variety of environmental rules and regulations; and

WHEREAS, to respond to the emergency and to expedite the cleanup and recovery process, it is necessary to adjust certain environmental rules and regulations on a temporary and short-term basis.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by Chapter 44, RSMo, do hereby issue the following order:

The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interest of the public health and safety during the period of the emergency and the subsequent recovery period.


This order shall terminate on February 15, 2007, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 13th day of January 2007.


Matt Blunt, Governor

ATTEST:




Robin Carnahan, Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 6—DEPARTMENT OF HIGHER EDUCATION Division 10—Commissioner of Higher Education Chapter 2—Student Financial Assistance Program

PROPOSED AMENDMENT

6 CSR 10-2.020 Student Eligibility and Application Procedures. The commissioner is amending subsection (1)(J).

PURPOSE: This amendment is revising academic requirements for renewal students.

(1) Definitions.

(J) Satisfactory academic progress means that a student is **maintaining a cumulative grade point average (CGPA) of at least two and one-half (2.5) on a four-point (4.0) scale, or the equivalent on another scale, and is successfully [is] completing sufficient**

courses in his/her course of study to secure the certificate or degree toward which s/he is working in no more than the number of semesters or their equivalent normally required by the institution in which the student is enrolled, by means such as suggested in the following table:

Program	By End of Semester	Completed Percentage of Program Requirements	Completed Semester (or) Hours
One-year	1	20%	(or) 6
One-year	2	60%	(or) 18
One-year	3	100%	(or) 30
Two-year	2	25%	(or) 15
Two-year	3	50%	(or) 30
Two-year	4	75%	(or) 45
Two-year	5	100%	(or) 60
Four-year	2	12.5%	(or) 15
Four-year	3	25.0%	(or) 30
Four-year	4	37.5%	(or) 45
Four-year	5	50.0%	(or) 60
Four-year	6	60.0%	(or) 72
Four-year	7	70.0%	(or) 84
Four-year	8	80.0%	(or) 96
Four-year	9	90.0%	(or) 102
Four-year	10	100.0%	(or) 120

Students at institutions on the quarter system must meet at least the equivalent standard of satisfactory progress in terms of quarter hours. Institutions also shall report their own standards for satisfactory academic progress to the department by July 1 of each year as they are to be applied by that institution in the subsequent academic year. **Calculation of CGPA shall be based on the approved institution's policies as applied to other students in similar circumstances.**

AUTHORITY: section 173.210, RSMo [1994] 2000. Original rule filed Aug. 7, 1978, effective March 17, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 12, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, Financial Assistance and Outreach Group, Kelli Reed, Interim Director of Financial Assistance, 3515 Amazonas Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 6—DEPARTMENT OF HIGHER EDUCATION Division 10—Commissioner of Higher Education Chapter 2—Student Financial Assistance Program

PROPOSED AMENDMENT

6 CSR 10-2.080 Higher Education Academic Scholarship Program. The commissioner is amending subsection (1)(O).

PURPOSE: This amendment is revising academic requirements for renewal students.

(1) Definitions.

(O) Satisfactory academic degree progress or satisfactory academic progress shall be a **cumulative grade point average (CGPA) of at least two and one-half (2.5) on a four-point (4.0) scale, or the equivalent on another scale, and, with the exception of grade point average, as otherwise determined by the approved institution's policies as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher Education Act of 1965. The calculation of CGPA shall be based on the approved institution's policies as applied to other students in similar circumstances.**

AUTHORITY: section 173.250, RSMo [1994] 2000. Original rule filed Nov. 14, 1986, effective Feb. 28, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 12, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, Financial Assistance and Outreach Group, Kelli Reed, Interim Director of Financial Assistance, 3515 Amazonas Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program**

PROPOSED AMENDMENT

6 CSR 10-2.120 Competitiveness Scholarship Program. The commissioner is amending subsection (1)(M) and section (5).

PURPOSE: This amendment is revising academic requirements for renewal students and standardizing the calculation of awards.

(1) Definitions.

(M) Satisfactory academic degree progress or satisfactory academic progress shall be a **cumulative grade point average (CGPA) of at least two and one-half (2.5) on a four-point (4.0) scale or the equivalent on another scale and, with the exception of grade point average, as otherwise determined by the approved institution's policies as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher Education Act of 1965. Calculation of CGPA shall be based on the approved institution's policies as applied to other students in similar circumstances.**

(5) Competitiveness Scholarship Program Award Limits and Criteria.

(B) **For part-time students enrolled in courses totaling six (6), seven (7) or eight (8) semester credit hours, or the equivalent, the award amount shall be calculated based on six (6) semester credit hours. For part-time students enrolled in courses totaling nine (9), ten (10), or eleven (11) semester credit hours, or the equivalent, the award amount shall be calculated based on nine (9) semester credit hours.**

[(B)](C) Financial need shall be used by the approved institution in determining applicant eligibility for awards under the competitive-

ness scholarship program.

[(C)](D) The first year of the competitiveness scholarship program funds shall be awarded only to applicants as initial recipients.

[(D)](E) Applicants who qualify as initial recipients under the provisions of this rule in the second and each subsequent year of the program will be awarded based on the availability of program funds.

[(E)](F) If sufficient program funds are unavailable to award to initial recipients, the awards will be made based on the earliest date the completed applications are received by the coordinating board until all funds have been expended.

[(F)](G) During the second and each subsequent year in which awards are made under the competitiveness scholarship program, the renewal recipients shall have priority in the awarding of program funds. If sufficient program funds are unavailable to award all eligible renewal recipients, priority for program funds shall be awarded based on the earliest date the completed application is received by the coordinating board in the following order: fifth-year, fourth-year, third-year and second-year students as defined by the approved institution.

[(G)](H) An applicant receiving an award under the competitiveness scholarship program shall have made satisfactory academic progress as defined by the approved institution and meet all other eligibility criteria according to the provisions of this rule to be eligible for a subsequent award under the competitiveness scholarship program.

[(H)](I) The award amount for any given academic year will be disbursed to the approved institution, equally, according to the number of semesters at the approved institution and awarded for each semester of part-time enrollment.

[(I)](J) Awards will not be made for periods of enrollment during the summer term(s).

[(J)](K) An applicant's approved institution choice may be changed prior to the beginning of the first day of classes and may transfer between approved institutions during the academic year. The deadline for these actions is August 1 for the fall semester and January 1 for the winter or spring semester. Failure to notify the coordinating board by the prescribed dates of this action may result in loss of the award.

[(K)](L) Award notifications will be sent to applicants by the coordinating board after the awards have been determined. Notification of awards also will be sent to the student financial aid office at the approved institution where the applicant plans to or has enrolled.

[(L)](M) The applicant's award will be sent to the approved institution to be endorsed by the applicant in accordance with the requirements of subsection (3)(B) of this rule.

[(M)](N) Should an applicant withdraw prior to the end of the approved institution's refund period during the period of the scholarship, then a refund shall be calculated and made to the coordinating board by the approved institution within forty (40) days from the day on which the applicant withdraws. The amount of the refund will be calculated by the approved institution based on the refund formula of that institution.

AUTHORITY: section 173.262, RSMo [1994] 2000. Original rule filed May 24, 1990, effective Nov. 30, 1990. Amended: Filed Jan. 12, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, Financial Assistance and Outreach Group, Kelli Reed, Interim Director of Financial

Assistance, 3515 Amazonas Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis
Metropolitan Area

PROPOSED RESCISSION

10 CSR 10-5.375 Motor Vehicle Emission Inspection Waiver. This rule was required by section 307.366.6, RSMo. The rule specified the procedures and limits for receiving a waiver after failing a motor vehicle emission re-inspection in the basic inspection and maintenance program as established under 11 CSR 50-2.400 Emission Test Procedures. This rule will be obsolete after September 1, 2007 because 643.303, RSMo requires that the Missouri Air Conservation Commission promulgate rulemakings by July 1, 2007 to implement a transition from the current St. Louis vehicle emissions test program to a new vehicle emissions test program by September 1, 2007 that would apply to the entire St. Louis ozone nonattainment area. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule complies with section 307.366.4, RSMo. It specifies the procedures and limits for receiving a waiver after failing a motor vehicle emission reinspection in the basic inspection and maintenance program as established under 11 CSR 50-2.400. This regulation is proposed for rescission because 643.303, RSMo requires that the Missouri Air Conservation Commission promulgate rulemakings by July 1, 2007 to implement a transition from the current St. Louis vehicle emissions test program to a new vehicle emissions test program by September 1, 2007 that would apply to the entire St. Louis ozone nonattainment area. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is 643.303, RSMo.

AUTHORITY: section 307.366.4, RSMo Supp. 1999. Original rule filed Jan. 14, 1997, effective Aug. 30, 1997. Amended: Filed Aug. 4, 2000, effective March 30, 2001. Rescinded: Filed Jan. 16, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., March 29, 2007. The public hearing will be held at the Café 37, Walnut Room, 37 Court Square, West Plains, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written state-

ment of their views until 5:00 p.m., April 5, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis
Metropolitan Area

PROPOSED RESCISSION

10 CSR 10-5.380 Motor Vehicle Emissions Inspection. This rule was required by sections 643.300–643.355, RSMo and met the 1990 Clean Air Act requirements that the ozone state implementation plan contain necessary enforceable measures to implement a mandatory inspection and maintenance program in order to reduce vehicle emissions in the St. Louis ozone nonattainment area. This rule will be obsolete after September 1, 2007 because 643.303, RSMo requires that the Missouri Air Conservation Commission promulgate rulemakings by July 1, 2007 to implement a transition from the current St. Louis vehicle emissions test program to a new vehicle emissions test program by September 1, 2007 that would apply to the entire St. Louis ozone nonattainment area. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule enacts the provisions of sections 643.300–643.355, RSMo and meets the 1990 Clean Air Act requirement that the ozone state implementation plan contains necessary enforceable measures to upgrade the mandatory inspection and maintenance program in order to reduce vehicle emissions in the St. Louis nonattainment area. This regulation is proposed for rescission because 643.303, RSMo requires that the Missouri Air Conservation Commission promulgate rulemakings by July 1, 2007 to implement a transition from the current St. Louis vehicle emissions test program to a new vehicle emissions test program by September 1, 2007 that would apply to the entire St. Louis ozone nonattainment area. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is 643.303, RSMo.

AUTHORITY: section 643.310.1, RSMo 2000. Original rule filed June 14, 1982, effective Jan. 13, 1983. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Jan. 16, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., March 29, 2007. The public hearing will be held at the Café 37, Walnut Room, 37 Court Square, West Plains, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program,

1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 5, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 1659 East Elm Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis
Metropolitan Area

PROPOSED RULE

10 CSR 10-5.381 On-Board Diagnostics Motor Vehicle Emissions Inspection. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule enacts the provisions of sections 643.300–643.355, RSMo and meets the 1990 Federal Clean Air Act Amendments requirement that the ozone state implementation plan contains necessary enforceable measures to maintain the mandatory vehicle emissions inspection and maintenance program. The purpose of the inspection and maintenance program is to reduce and prevent ground-level ozone forming vehicle emissions in the St. Louis nonattainment area.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) Except as provided in subsection (1)(B) of this rule, subject vehicles include all vehicles operated on public roadways in the geographical area containing the City of St. Louis and the counties of Franklin, Jefferson, St. Charles, and St. Louis, and which are—

1. Registered in the area with the state of Missouri Department of Revenue;

2. Leased, rented, or privately owned and are not registered in the geographical area but are primarily operated in the area. A vehicle is primarily operated in the area if at least fifty-one percent (51%) of the vehicle's annual miles are in the area;

3. Owned or leased by federal, state, or local government agencies, and are primarily operated in the geographical area, but are not required to be registered by the state of Missouri; or

4. Owned, leased, or operated by civilian and military personnel on federal installations located within the geographical area, regardless of where the vehicles are registered.

(B) The following vehicles are exempt from this rule:

1. Heavy duty gasoline-powered and heavy duty diesel-powered vehicles;

2. Light duty gasoline-powered vehicles and trucks manufac-

tured prior to the 1996 model year and light duty diesel-powered vehicles and trucks manufactured prior to the 1997 model year;

3. Motorcycles and motortricycles;

4. Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline, ethanol (E10 and E85), or diesel;

5. Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355, RSMo, that are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, RSMo, if the vehicle is granted an Out of Area waiver described in paragraph (3)(K)6. of this rule;

6. New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two (2) years of such calendar year, that have an odometer reading of less than six thousand (6,000) miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

7. New motor vehicles that have not been previously titled and registered, for the four (4)-year period following their model year of manufacture, provided that the odometer for such motor vehicles has fewer than forty thousand (40,000) miles showing at the first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo. Otherwise, such motor vehicles shall be subject to the emissions inspection requirements of subsection (3)(B) of this rule during the same period that the biennial safety inspection is conducted;

8. Motor vehicles that are driven fewer than twelve thousand (12,000) miles between biennial safety inspections. Written or printed proof of this exemption shall be provided by the owner to the Department of Revenue.

A. The proof of exemption from the emissions inspection requirement shall consist of two (2) vehicle safety inspection reports issued to the owner of the vehicle being exempted.

B. The first safety inspection report shall have been issued during the vehicle's previous safety inspection. The second safety inspection report shall have been issued within the sixty (60) days of the owner's registration request.

C. Both vehicle safety inspection reports must document the odometer reading at the time of the vehicle's safety inspections, and the difference between these two (2) odometer readings shall be no greater than eleven thousand nine hundred and ninety-nine (11,999);

9. Historic motor vehicles registered pursuant to section 301.131, RSMo;

10. School buses;

11. Tactical military vehicles; and

12. Visitor, employee or military personnel vehicles on federal installations provided appointments do not exceed sixty (60) calendar days.

(2) Definitions.

(A) Business day—All days, excluding Saturdays, Sundays, and holidays, that an inspection station is open to the public.

(B) Compliance cycle—The two (2)-year duration during which a subject vehicle in the enhanced emissions inspection program area is required to comply with sections 643.300–643.355, RSMo.

1. For private entity vehicles, the compliance cycle begins sixty (60) days prior to the subject vehicle's registration expiration.

2. For public entity vehicles, the compliance cycle begins on January 1 of each even-numbered calendar year. The compliance cycle ends on December 31 of each odd-numbered calendar year.

(C) Contractor—The state contracted company who shall implement the decentralized motor vehicle emissions inspection program as specified in sections 643.300–643.355, RSMo, and the state contracted company who shall implement the acceptance test procedure.

(D) Department—The Missouri Department of Natural Resources, the state agency responsible for oversight of the vehicle emissions inspection and maintenance program that is required by the 1990 Federal Clean Air Act Amendments.

(E) Data Link Connector (DLC)—The terminal required to be installed on all On-Board Diagnostics (OBD) equipped vehicles that allows communication with a vehicle's OBD system.

(F) Diagnostic Trouble Code (DTC)—An alphanumeric code consisting of five (5) characters which is stored by a vehicle's On-Board Diagnostics system if a vehicle malfunctions or deteriorates in such a way as to potentially raise the vehicle's tailpipe or evaporative emissions more than 1.5 times the federal test procedure certification limits. The code indicates the system or component that is in need of diagnosis and repair to prevent the vehicle's emissions from increasing further.

(G) Emissions inspection—Tests performed on a vehicle in order to evaluate whether the vehicle's emissions control components are present and properly functioning.

(H) Gross Vehicle Weight Rating (GVWR)—The value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(I) Ground-level ozone—A colorless, odorless gas formed by the mixing of volatile organic compounds and oxides of nitrogen from stationary and mobile pollution sources in the presence of heat and sunlight. Ground-level ozone is a strong oxidizer that negatively affects human health by causing diminished lung function in both healthy individuals and those with pre-existing respiratory problems.

(J) Heavy Duty Vehicle (HDV)—Any motor vehicle rated at eight thousand five hundred one (8,501) pounds GVWR or more.

(K) Initial emissions inspection—An emissions inspection consisting of the inspection series that occurs the first time a vehicle is inspected in a compliance cycle.

(L) Licensed emissions inspection station—Any business that has met the licensing requirements and been licensed to offer vehicle emissions inspection services on behalf of the department.

(M) Licensed emissions inspector—Any individual that has met the licensing requirements and been licensed to conduct vehicle emissions inspections on behalf of the department.

(N) Light Duty Truck (LDT)—Any motor vehicle rated at eight thousand five hundred pounds (8,500) GVWR or less which has a vehicle curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is—

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;
2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

(O) Light Duty Vehicle (LDV)—A passenger car or passenger car derivative capable of seating twelve (12) passengers or less that is rated at six thousand (6,000) pounds GVWR or less.

(P) Malfunction Indicator Lamp (MIL)—An amber-colored warning light located on the dashboard of vehicles equipped with On-Board Diagnostics systems indicating to the vehicle operator that the vehicle either has a malfunction or has deteriorated enough to cause a potential increase in the vehicle's tailpipe or evaporative emissions.

(Q) Missouri State Highway Patrol (MSHP)—The state agency responsible for the oversight of the vehicle safety inspection and maintenance program.

(R) On-Board Diagnostics (OBD)—A vehicle emissions early-warning system required by federal law to be installed on all light-duty 1996 and newer model year vehicles for sale in the United States. The OBD system monitors sensors attached to all emissions-control related components on a vehicle to ensure that the emissions control system operates properly throughout a vehicle's lifetime. If the emissions control system malfunctions or deteriorates, the OBD system will illuminate the Malfunction Indicator Lamp and store one (1) or more Diagnostic Trouble Codes.

(S) On-Board Diagnostics (OBD) test—A test in which a vehicle's OBD system is connected to a hand-held tool or computer capable of determining—

1. Vehicle signature information, including, but not limited to, the electronic vehicle identification number (VIN) and other unique parameter identifiers;

2. If the OBD system's readiness monitors have been set;

3. If the MIL is functioning correctly; and

4. If the OBD system has stored any DTCs that are commanding the MIL to be illuminated.

(T) Qualifying repair—Any repair or adjustment performed on a vehicle's emissions control system after failing an initial emissions inspection, that is reasonable to the test method failure. Repairs performed by a repair technician that were not authorized by the vehicle owner's signature on a repair receipt will not be considered a qualifying repair. The qualifying repair must be performed within ninety (90) days of the date of initial emissions inspection. The qualifying repair may consist of either—

1. The parts costs, spent by a vehicle owner or charged to a vehicle owner by a repair technician, that are appropriate for the type of emissions inspection failure; or

2. The parts and recognized labor costs, charged to a vehicle owner by a Recognized Repair Technician, that are appropriate for the type of emissions inspection failure.

(U) Readiness monitor—A design feature of On-Board Diagnostics systems. If a readiness monitor has been set, then the OBD system has completed a diagnostic check on that component. If a readiness monitor has not been set, then the OBD system has not completed a diagnostic check on that component.

(V) Recognized labor costs—The labor costs that a Recognized Repair Technician charges for emissions repair services rendered to a vehicle that fails its emissions inspection.

(W) Recognized Repair Technician—Any person who—

1. Is professionally engaged full-time in vehicle repair or employed by an ongoing business whose purpose is vehicle repair. A Recognized Repair Technician may only be recognized by the department at one (1) place of employment;

2. Has valid certifications from the National Institute for Automotive Service Excellence (ASE) in Electrical Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1) that have not expired; and

3. Has not been reported by the department to the attorney general for unlawful merchandising practices according to subsection 643.330.5, RSMo.

(X) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Subject Vehicle Compliance.

1. Private entity vehicle compliance.

A. Motor vehicles subject to this rule shall demonstrate compliance with emissions standards in this rule. Such demonstration shall be made through the test methods specified in section (5) of this rule and be completed according to the compliance cycle specified in paragraph (2)(B)1. of this rule, the inspection intervals specified in subsection (3)(B) of this rule, and the inspection periods specified in subsection (3)(C) of this rule.

B. Completion of the emissions inspection requirements is necessary for vehicle registration renewal, or registration transfer.

C. Failure to complete a vehicle emissions inspection during the compliance cycle or before vehicle registration shall be a violation of this rule. These violations are subject to penalties specified in subsection 643.355.5, RSMo.

2. Public entity vehicle compliance.

A. All subject vehicles owned by federal, state and local governments shall be emissions inspected according to the compliance cycle specified in paragraph (2)(B)2. of this rule and the inspection intervals specified in subsection (3)(B) of this rule.

B. All federal agencies shall ensure employee and military personnel vehicles meet the requirements of this subsection according to the December 1999 *Interim Guidance for Federal Facility*

Compliance With Clean Air Act Sections 118(c) and 118(d) and Applicable Provisions of State Vehicle Inspection and Maintenance Programs. This guidance document is incorporated by reference in this rule, as published by the U.S. Environmental Protection Agency (EPA), Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105. This rule does not incorporate any subsequent amendments or additions to this guidance document.

C. Failure to complete a vehicle emissions inspection within the compliance cycle specified in paragraph (2)(B)2. of this rule shall be a violation of this rule. These violations are subject to penalties specified in subsection 643.355.5, RSMo.

3. Vehicle fleets.

A. Vehicle fleets of any size may be emissions inspected by the fleet operator, provided the owners or operators of such vehicle fleets acquire the state contractor's equipment to conduct the emissions inspections.

B. Vehicle fleets using such equipment shall be subject to the same inspection requirements as non-fleet vehicles.

C. Fleet inspection facilities shall be subject to quality assurance evaluations at least as stringent as those performed at public inspection stations.

D. Fleet owners or operators may make repairs to fleet vehicles on-site.

(B) Emissions Inspection Intervals.

1. Subject vehicles, manufactured as odd-numbered model year vehicles are required to be inspected in each odd-numbered calendar year. Subject vehicles manufactured as even-numbered model year vehicles are required to be inspected in each even-numbered calendar year.

2. At the time of registration transfer, subject vehicles are required by subsection 643.315.1, RSMo to be inspected regardless of the vehicle model year. At the time of registration transfer, prior to the sale of a vehicle, sellers of vehicles are required to provide the purchaser with an emissions inspection compliance certificate or compliance waiver that is valid for registering the vehicle according to inspection period requirements of subsection (3)(C) of this rule. Vehicles being sold shall not be subject to another emissions inspection for ninety (90) days after the date of sale or transfer of such vehicle.

(C) Emissions Inspection Periods.

1. An emissions inspection performed on a subject vehicle via the vehicle inspection process described in subsections (3)(H)–(K) of this rule is valid, for the purposes of obtaining registration or registration renewal, for a duration of sixty (60) days from the date of passing inspection or waiver issuance.

2. Reinspections occurring fewer than ninety (90) days after the initial emissions inspection are subject to subsections (3)(J) and (3)(K) of this rule.

3. Reinspections occurring more than ninety (90) days after the initial emissions inspection shall be considered to be an initial emissions inspection as defined in subsection (2)(K) of this rule and are subject to subsection (3)(H) of this rule.

(D) Emissions Inspection Fee.

1. At the time of an initial emissions inspection, the vehicle owner or driver shall pay no more than twenty-four dollars (\$24) to the licensed emissions inspection station. The inspection station shall determine the forms of payment accepted.

2. This inspection fee shall include one (1) free reinspection, provided that the reinspection is conducted within twenty (20) business days of the initial emissions inspection at the same inspection station that performed the initial inspection.

3. Licensed emissions inspection stations shall pre-pay the state two dollars and fifty cents (\$2.50) for each paid emissions inspection that they intend to perform. The fee shall be paid to the Director of Revenue and submitted to the Missouri State Highway Patrol. The MSHP shall deposit the fee into the "Missouri Air Emissions Reduction Fund" as established by section 643.350, RSMo. The MSHP will then notify the contractor, who will authorize the inspection

equipment to release the number of paid emissions inspections pre-paid by each licensed emissions inspection station.

(E) Emissions Inspection Equipment.

1. Performance features of emissions inspection equipment. Computerized inspection equipment is required for performing any measurement on subject vehicles. The inspection equipment shall meet or exceed all applicable EPA requirements. Newly acquired emissions inspection equipment shall be subject to the acceptance test procedures administered by the department's contractor to ensure compliance with the emissions inspection program specifications.

A. Emissions inspection equipment shall be capable of testing all subject vehicles as required by paragraph (3)(E)3. of this rule. The emissions inspection equipment shall be updated as needed to accommodate new technology vehicles. The updates shall be provided by the state's contractor without cost to the state or the licensed emissions inspection stations.

B. At a minimum, emissions inspection equipment shall be:

- (I) Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;
- (II) Secure from tampering and/or abuse; and
- (III) Based upon written specifications.

2. Functional characteristics of computerized test systems. The test system shall be composed of motor vehicle test equipment controlled by a computer.

A. The test system shall automatically:

- (I) Make pass/fail decisions for all measurements;
- (II) Record test data to an electronic medium;
- (III) Conduct regular self-testing of recording accuracy;
- (IV) Perform electrical calibration and system integrity checks before each test, as applicable; and
- (V) Initiate immediate system lockouts for—
 - (a) Tampering with security aspects of the test system;
 - (b) Failing to conduct or pass periodic calibration or leak checks for the evaporative system pressure test equipment;
 - (c) Fraudulent testing activity; or
 - (d) For a full data recording medium.

B. Test systems shall include a telecommunications data link to the contractor's Vehicle Inspection Database (VID) as specified in the contract between the department and the contractor. Emissions inspection information shall be uploaded to the VID via this telecommunications data link according to subparagraphs (3)(F)2.C. and (3)(F)5.D. of this rule.

C. The test system shall ensure accurate data collection by limiting, cross-checking, and/or confirming manual data entry.

3. On-Board Diagnostics (OBD) test equipment. OBD test equipment shall meet the standards specified in 40 CFR part 85, subpart W, section 2231. Section 2231 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2231. The OBD test equipment shall be able to communicate with all known OBD protocols and connect to and communicate with a minimum of ninety-eight percent (98%) of all subject vehicles.

4. All emissions inspection equipment shall meet the quality control requirements described in paragraph (3)(L)5. of this rule.

(F) Emissions Inspection Station Requirements.

1. Premises.

A. Each licensed emissions inspection station shall have an inspection area within an enclosed building of sufficient length, width and height to accommodate a full size light duty vehicle or light duty truck.

B. The licensed emissions inspection station shall be in compliance with applicable city, county and state regulations relating to zoning, merchant licensing, fictitious names and retail sales tax numbers.

C. The emissions inspection area shall be sufficiently lighted, adequately heated and cooled and properly ventilated to conduct an emissions inspection.

2. Equipment. Each licensed emissions inspection station shall have the following equipment located at or near the inspection area:

A. Scraper. The scraper may be used to remove old windshield stickers;

B. Emissions inspection equipment, including hardware, software, forms, and windshield stickers. The equipment shall be purchased or leased by the inspection station from the state's contractor; and

C. Telecommunications. The station shall provide data transmission capabilities for the emissions inspection equipment. The telecommunications capabilities may be either high-speed or low-speed. The cost of this telecommunications service is the responsibility of the licensed emissions inspection station.

3. Personnel.

A. Each licensed emissions inspection station shall have a minimum of one (1) licensed emissions inspector on duty during all business days during the station's hours of inspection, except for short periods of time due to illness or annual vacation.

B. Each licensed emissions inspection station will designate, on the station license application, the emissions inspection station manager who will be in charge of emissions inspections. The emissions inspection station manager shall be responsible for the daily operation of the station and will ensure that complete and proper emissions inspections are being performed. The emissions inspection station manager shall be present at the licensed emissions inspection station during all business days during the station's hours of inspection, except for short periods of time due to illness or annual vacation.

C. If the station is without at least one (1) emissions inspector or one (1) emissions inspection station manager, then the station shall be prohibited from conducting emissions inspections.

4. Licensing.

A. Any person, firm, corporation, partnership or governmental entity requesting an emissions inspection station license shall submit a completed emissions inspection station application to the department or to the MSHP.

B. A vehicle emissions inspection station license shall be valid for twelve (12) months from the date of issuance. A completed emissions inspection station license application shall be accompanied by a check or money order for one hundred dollars (\$100) made payable to the Director of Revenue and submitted to either the Missouri Department of Natural Resources, Air Pollution Control Program, Attn: Inspection and Maintenance, PO Box 176, Jefferson City, MO 65102-0176 or the MSHP. Under no circumstances will cash be accepted for the license fee.

C. For the purposes of emissions and safety inspection license synchronization, a vehicle emissions inspection station license may be valid for fewer than twelve (12) months from the date of issuance. A completed emissions inspection station license application shall be accompanied by a check or money order made payable to the Director of Revenue and submitted to either the Missouri Department of Natural Resources, Air Pollution Control Program, Attn: Inspection and Maintenance, PO Box 176, Jefferson City, MO 65102-0176 or the MSHP. The check or money order shall submit the pro-rated fee of eight dollars and thirty-three cents (\$8.33) times the number of months between the month of the application, including the month of application, for the emissions inspection license and the month that the safety inspection license will be renewed. Under no circumstances will cash be accepted for the license fee.

D. Except as provided by subparagraph (3)(F)4.C. of this rule, station licenses are valid for a period of one (1) year from the date of issuance, unless the license is suspended or revoked by the department or the MSHP. The owners of licensed emissions inspection stations that are renewing their emissions inspection license shall complete the requirements of subparagraph (3)(F)4.B. of this rule.

E. Along with the application fee, applicants shall submit the following information on a form provided by either the department or the MSHP:

(I) A copy of the current, valid business license;
(II) Proof of liability insurance;
(III) The business' federal and state taxpayer identification number;

(IV) The physical address of the inspection station;
(V) The mailing address, if different from physical address, of the inspection station;

(VI) The phone and fax number of the inspection station;
(VII) The first and last name of the licensed emissions inspector(s) employed by that station; and

(VIII) The first and last name of the emissions inspection station manager(s) employed by that station.

F. No license issued to an emissions inspection station may be transferred or used at any other location. Any change in ownership or location shall void the current station license. The department must be notified immediately when a change of ownership or location occurs or when a station discontinues operation. Businesses that change locations will not be charged another license fee for the cost of the new license if the former license was current. Businesses that change owners will be treated as new licensees and charged another license fee for the new license.

G. When an emissions inspection station license has been suspended or revoked, or when a station discontinues operation, all emissions inspection supplies including, but not limited to, blank vehicle inspection reports and windshield stickers, shall be released on demand to the department or the MSHP. The failure to account for all inspection supplies will be sufficient cause for the department to not reinstate an emissions inspection station license. The department will refund the station for the number of pre-paid emissions inspections remaining on the inspection equipment at the time the station discontinues operation or chooses not to renew its emissions inspection license.

H. No emissions inspection station license will be issued to a spouse, children, son/daughter-in-law, employee or any person having an interest in the business for the privilege to conduct emissions inspections at the same location or in close proximity to the location of an emissions inspection station whose license is under suspension or revocation, unless the applicant can provide reasonable assurance that the licensee under suspension or revocation will not be employed, manage, assist in the station operation or otherwise benefit financially from the operation of the business in any way.

5. Operations.

A. Every emissions inspection must be performed according to the procedures described in this rule. Once an emissions inspection has begun, it shall be completed and shall not be terminated. A vehicle may not be passed or failed based upon a partial inspection.

B. A proper and complete emissions inspection shall consist of the OBD test method described in section (5) of this rule, the immediate printing and subsequent issuance of a vehicle inspection report to the motorist, and the immediate uploading of the emissions inspection data to the contractor's VID.

C. For each completed emissions inspection, the emissions inspection equipment shall print a vehicle inspection report that meets the requirements of subsections (4)(A) and (4)(B) of this rule.

D. All emissions inspection records shall be transmitted to the state's contractor as soon as an inspection is complete for the purpose of real time registration verification by the Department of Revenue and program oversight by the department or the MSHP.

E. The emissions inspection fee described in subsection (3)(D) of this rule shall be charged for each inspection performed, except at locations where the fleet operator is inspecting fleet vehicles at their own inspection facility.

F. Emissions inspection windshield stickers will be issued to an emissions inspection station by the MSHP, and can be printed by only that station. Emissions inspection windshield stickers shall be kept secure to prevent them from being lost, damaged or stolen. If windshield stickers are lost, damaged or stolen, the incident shall be reported immediately to the MSHP.

G. All emissions inspections must be conducted at the licensed emissions inspection station in the approved inspection area.

H. The inspection of a vehicle shall be made only by an individual who has a current, valid emissions inspector license.

I. No person without a current, valid emissions inspector license shall issue a vehicle inspection report or a windshield sticker.

J. No owner, operator or employee of an inspection station shall furnish, loan, give or sell a vehicle inspection report or windshield sticker to any person except those entitled to receive it.

K. If an emissions inspector or an emissions inspection station manager resigns or is dismissed, the emissions inspection station manager or station owner shall report these changes to the department immediately or within two (2) business days. The emissions inspection station manager or station owner shall complete an amendment form to inform the department of these changes in personnel.

L. All current manuals, bulletins or other rules issued by the department must be read and initialed by the station owner or operator and each emissions inspector. These resources must be available, either in printed or electronic form, at all times for ready reference by inspectors, department and MSHP staff.

M. If the department is asked to settle a difference of opinion between a vehicle owner and an emissions inspection station manager or emissions inspector concerning the inspection standards and procedures, the decisions of the department concerning emissions inspection standards and procedures will be final.

N. Emissions inspection station operators are permitted to advertise as official emissions inspection stations.

6. Hours of operation.

A. The normal business hours of every public inspection station shall be at least eight (8) continuous hours per day, five (5) days per week.

B. Both inspection station managers and emissions inspectors are obligated to conduct emissions inspections and re-inspections of vehicles during normal business hours.

(I) A vehicle shall be emissions inspected within a two (2)-hour period after being presented unless other vehicles are already being emissions inspected.

(II) A re-inspection must begin within one (1) hour when a vehicle is presented during the twenty (20) consecutive-day period allowed by law for re-inspections excluding Saturdays, Sundays and state holidays.

7. Display of inspection station and inspector licenses, sign and poster.

A. The department shall provide each licensed emissions inspection station with one (1) station license certificate. The station license certificate shall be framed under clean glass or plastic and displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections.

B. The department shall provide each licensed emissions inspector with one (1) inspector license certificate. The emissions inspector licenses must be framed under clean glass or plastic and displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections.

C. The department shall provide each licensed emissions inspection station one (1) official sign, made of metal or other durable material, to designate the station as an official emissions inspection station. The sign designating the station as an emissions inspection station shall be displayed in a location visible to motorists driving past the inspection station. Additional signs may be purchased for a fee equal to the cost to the state for each additional sign.

D. The department shall provide each licensed emissions inspection station with one (1) poster that informs the public that required repairs or corrections need not be made at that inspection station. The poster must be displayed in a conspicuous location discernible to those presenting vehicles for emissions inspections. Additional posters may be purchased for a fee equal to the cost to the state for each additional poster.

(G) Emissions Inspector Requirements.

1. Every person requesting vehicle emissions inspector license shall submit a completed vehicle emissions inspector application to the department. The emissions inspector application shall include a facial photograph with dimensions of two inches (2") in length and two inches (2") in width.

2. All vehicle emissions inspectors must be at least eighteen (18) years of age and able to read and understand documents written in English. The emissions inspector written exam may include an oral component to evaluate the applicant's ability to read and understand documents written in English.

3. Emissions inspectors must be thoroughly familiar with the emissions inspection equipment. Emissions inspectors must demonstrate competency while performing an emissions inspection on a vehicle prior to the issuance of the inspector's license. A minimum grade of eighty percent (80%) is required to pass the practical examination or reexamination.

4. Emissions inspectors must pass a written test that demonstrates their knowledge of the fundamentals of OBD testing and repairs and the procedures of the emissions inspection program. A minimum grade of eighty percent (80%) is required to pass the written examination or reexamination.

5. If the applicant meets the requirements of paragraph (3)(G)1.-(3)(G)4. of this rule, an emissions inspector license will be issued without charge. Licenses are valid for a period of three (3) years from the date of issuance, or until suspended or revoked by the department or the MSHP. An emissions inspector whose license has been suspended or revoked may be required to successfully complete a department-approved retraining program and pass a written and/or practical reexamination before the license will be reinstated.

6. If the emissions inspector leaves the employment of one licensed emissions inspection station and enters the employment of another licensed emissions inspection station, the emissions inspection station manager of the station that the inspector is transferring to shall follow the procedures described in subparagraph (3)(F)5.K. of this rule. The emissions inspector's license is transferable with the licensed emissions inspector, provided the emissions inspector's license has not expired.

7. An emissions inspector may be reexamined at any time, and if s/he fails the reexamination or refuses to be reexamined, the license issued to him/her shall be suspended. If a vehicle emissions inspector fails a reexamination, s/he cannot again be tested until a period of thirty (30) days has elapsed.

8. An emissions inspector license may be renewed before the expiration date or sixty (60) days after expiration without a reexamination. If the license has expired more than sixty (60) days before the license renewal application is submitted, a reexamination will be required. A vehicle emissions inspector does not have authority to conduct any inspections during the sixty (60)-day grace period unless the license has been properly renewed.

(H) Emissions Inspection Procedures. The emissions inspection procedure shall meet the following requirements:

1. Vehicles shall be inspected in as-received condition. An official inspection, once initiated, shall be performed in its entirety regardless of immediate outcome, except in the case of an invalid test condition;

2. The initial emissions inspection shall be performed according to the test method described in section (5) of this rule without repair or adjustment at the emission inspection station prior to commencement of any tests. Emissions inspections performed within ninety (90) days of the initial emissions inspection shall be considered a reinspection and are subject to provisions of subsection (3)(J) of this rule;

3. If a subject vehicle passes the emissions test method described in section (5) of this rule according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall issue the vehicle owner or driver a vehicle inspection report certifying that the vehicle has passed the emissions inspection,

and provide a windshield sticker for the windshield of the subject vehicle according to subsection (4)(A) of this rule. The positioning of the windshield sticker on the windshield of the vehicle shall take place on the premises of the emissions inspection station;

4. If a subject vehicle fails the emissions test method described in section (5) of this rule according to the standards described in subsection (3)(I) of this rule, the emissions inspection station shall provide the vehicle owner or driver with a vehicle inspection report indicating what parts of the test method of the emissions inspection that the vehicle failed, a repair facility performance report, and a copy of the customer complaint procedure according to subsection (4)(B) of this rule; and

5. If a subject vehicle fails the emissions test method described in section (5) of this rule, the vehicle owner shall have the vehicle repaired. The vehicle shall be reinspected according to the appropriate inspection period as determined by paragraphs (3)(C)2. and (3)(C)3. of this rule and the reinspection procedures described in subsection (3)(J) of this rule.

(I) Emissions Inspection Standards. Subject vehicles shall fail the emissions inspection if the vehicle does not meet the OBD test standards specified in 40 CFR part 85, subpart W, section 2207. Section 2207 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2207.

(J) Emissions Reinspection Procedures.

1. Emissions reinspection fee.

A. To qualify for one free reinspection, the vehicle owner or driver shall present the previous vehicle inspection report and the completed repair data sheet to the emissions inspection station that conducted the initial emissions inspection, within twenty (20) business days of the initial emissions inspection.

B. Reinspections occurring more than twenty (20) calendar days after the initial emissions inspection shall only be performed upon payment of the emissions inspection fee to the emissions inspection station, except at locations where the fleet operator is inspecting fleet vehicles at their own facility.

2. Reinspection procedure.

A. Vehicles that fail the emissions inspection described in section (5) of this rule shall be reinspected according to the test method described in section (5) of this rule to determine if the repairs were effective for correcting failures on the previous inspection, thereby reducing or preventing an increase in present and future tailpipe or evaporative emissions.

B. The station-based reinspection shall be performed without repair or adjustment to the vehicle at the emissions inspection station prior to inspections.

3. If the subject vehicle passes a reinspection, then the procedures in paragraph (3)(H)3. of this rule shall be followed.

4. If the subject vehicle fails a reinspection, the vehicle owner may either:

A. Have more repairs performed on the vehicle and have the vehicle reinspected; or

B. Apply for a cost-based waiver according to the requirements in paragraphs (3)(K)1.-(3)(K)4. of this rule.

(K) Emissions Inspection Waivers.

1. Cost-based waivers. Vehicles shall be issued a cost-based waiver under the following conditions:

A. The subject vehicle has failed the initial emissions inspection, has had qualifying repairs, and has failed an emissions reinspection;

B. The vehicle owner or operator has taken the vehicle to the department or has made an appointment for the department representative to travel to the location of the vehicle and presented to the department representative the vehicle inspection reports, stating that the vehicle presented has failed the initial emissions inspection and all subsequent emissions reinspections;

C. The subject vehicle has all of its emissions control com-

ponents correctly installed and operating as designed by the vehicle manufacturer.

(I) To the extent practical, the department representative shall use the MSHP air pollution control device inspection method described in 11 CSR 50-2.280 to fulfill the requirement of this subparagraph.

(II) If the vehicle fails the visual inspection described in 11 CSR 50-2.280, then the vehicle will be denied a cost-based waiver;

D. The vehicle operator has presented to the department representative all itemized receipts of qualifying repairs. The qualifying repairs must meet the requirements of paragraph (3)(K)2. of this rule. The itemized receipts must meet the requirements of paragraph (3)(K)3. of this rule; and

E. To the extent practical, the department representative has verified that the repairs indicated on the itemized receipts for qualifying repairs were made and that the parts were repaired/replaced as claimed.

2. The minimum amount spent on qualifying repairs for cost-based waivers shall—

A. Exceed four hundred fifty dollars (\$450) for vehicles not repaired by the owner of the failed vehicle;

B. Exceed four hundred dollars (\$400) for all vehicles repaired by the owner of the failed vehicle. Only the parts costs for the following parts listed in 40 CFR 51.360(a)(5) will be accepted:

(I) Oxygen sensors;

(II) Catalytic converters;

(III) EGR valves;

(IV) Evaporative canisters;

(V) PCV valves;

(VI) Air pumps;

(VII) Distributors;

(VIII) Ignition wires;

(IX) Coils;

(X) Spark plugs; and

(XI) Any hoses, gaskets, belts, clamps, brackets, or other accessories directly associated with these parts;

C. Exceed two hundred dollars (\$200) for all motorists who provide the department representative with reasonable and reliable proof that the owner is financially dependent on state and federal disability benefits and other public assistance programs. The proof must be provided thirty (30) calendar days prior to each emissions inspection. The proof shall consist of government issued documentation providing explanation of the motorist's disability and financial assistance with regard to personal income;

D. Be inclusive of parts costs paid for emissions repair services. Recognized labor costs shall be applied toward a cost-based waiver. For qualifying repairs performed by someone other than a Recognized Repair Technician, parts costs, but not labor costs, shall be applied toward a cost-based waiver;

E. Not include the fee for an emissions inspection or reinspection;

F. Not include the fee for a safety inspection or reinspection;

G. Not include charges for obtaining a written estimate of needed repairs;

H. Not include the charges for repairs necessary for the vehicle to pass a safety inspection;

I. Not include costs for repairs performed on the vehicle before the initial emissions inspection failure or more than ninety (90) days after the initial emissions inspection failure;

J. Not include expenses that are incurred for the repair of emissions control devices or data link connectors that have been found during either a safety or an emissions inspection to be tampered with, rendered inoperative, or removed; and

K. Not include costs for emissions repairs or adjustments covered by a vehicle manufacturer's warranty, insurance policy, or contractual maintenance agreement. The emissions repair costs covered by warranty, insurance, or maintenance agreements shall be separated from other emissions repair costs and shall not be applied

toward the cost-based waiver minimum amount. The operator of a vehicle within the statutory age and mileage coverage under subsection 207(b) of the federal Clean Air Act shall present a written denial of warranty coverage, with a complete explanation, from the manufacturer or authorized dealer in order for this provision to be waived.

3. The vehicle operator shall present the original of all itemized repair receipts to the department representative to demonstrate compliance with paragraph (3)(K)2. of this rule. The itemized repair receipt(s) shall—

A. Include the name, physical address and phone number of the repair facility and the model year, make, model and VIN of the vehicle being repaired;

B. Describe the diagnostic test(s) performed to identify the reason the vehicle failed an emissions inspection;

C. Describe the emissions repair(s) that were indicated by the diagnostic test(s);

D. Describe the emissions repairs that were authorized by the vehicle owner or driver and performed by the repair technician;

E. Describe the vehicle part(s) that were serviced or replaced;

F. Describe the readiness monitors that were either set to ready or left unset;

G. Describe the diagnostic test(s) performed after the repairs were completed to verify that the vehicle's emissions control system is now operating as it was designed to operate by the manufacturer;

H. Clearly list the labor costs, if the vehicle was repaired by a repair technician, and parts costs separately for each repair. Unclear repair receipts that do not identify the vehicle that was repaired, do not itemize the actual cost of the parts that were serviced, do not list the labor costs separately from the parts costs, do charge state sales tax on parts exempted from state sales as defined in 10 CSR 10-6.320, or contain fraudulent information or parts costs as determined by department representative may not be accepted for the purpose of obtaining a cost-based waiver;

I. Include the repair technician's name (printed or typed), signature and, if applicable, the unique identification number of the Recognized Repair Technician that performed the repair work; and

J. Confirm that payment was collected or financed for the services rendered and/or parts replaced as listed on the itemized repair receipt(s).

4. If the conditions of paragraphs (3)(K)1.–3(K)3. of this rule have been met, the department representative shall issue a cost-based waiver and affix the windshield sticker to the vehicle. The windshield sticker shall meet the requirements of paragraph (4)(A)2. of this rule.

5. The contractor shall provide the means to issue cost-based waivers from either the department's offices or from a portable solution as required by the contract.

6. Out of area waivers. Provided the vehicle owner or driver submits a completed, signed waiver affidavit to the department indicating that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, RSMo, for the next twenty-four (24) months, the department shall issue an emissions inspection vehicle inspection report, with an indicator to show that the vehicle has received an out of area waiver to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

7. Reciprocity waivers. Provided the vehicle owner or driver presents proof, acceptable to the department, that the subject vehicle has successfully passed an OBD emissions inspection in another state within the previous sixty (60) calendar days, the department shall issue an emissions inspection vehicle inspection report with an indicator to show that the vehicle has received a reciprocity waiver to the vehicle owner or driver, and a windshield sticker shall be affixed to the subject vehicle.

A. Reciprocity waivers shall be issued if the motorist submits proof of a passing OBD emissions inspection from one (1) of the following states: Alaska, Arizona, Connecticut, Delaware, District of

Columbia, Georgia, Illinois, Louisiana, Maine, Massachusetts, Maryland, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee unless tested in Shelby County (Memphis), Rhode Island, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

B. Should any of these states discontinue the use of pass/fail OBD inspections, the reciprocity waiver shall not be granted.

8. The contractor shall provide the means to issue out of area and reciprocity waivers from either the department's offices or from a portable solution as required by the contract.

(L) Quality Control Requirements.

1. Quality control for the contractor(s). The department shall appoint entities under contractual agreement with the department to facilitate the operating of decentralized emissions inspection stations that will conduct vehicle emissions for the purpose of reducing or preventing vehicle pollution that contributes to ground-level ozone formation.

2. Quality control for emissions inspection stations.

A. Licensed emissions inspection stations shall conduct their business in such a way that it satisfies the intent of the vehicle emissions inspection program, which is to accurately identify the vehicles that fail to meet the OBD emissions test standards so that these vehicles may be effectively repaired.

B. Failure to comply with the provisions of this rule and the purposes stated in subparagraph (3)(L)2.A. of this rule shall be considered a violation of this rule and shall be sufficient cause for the department or MSHP to immediately suspend emissions and/or safety inspection station licenses and the ability to conduct emissions and/or safety inspections.

C. Licensed emissions inspection stations shall be financially responsible for all vehicles that are being inspected.

3. Quality control for emissions inspectors.

A. The contractor shall provide to the department an education and training plan, to be approved by the department prior to implementation, for licensed emissions inspectors. Inspectors shall not be licensed unless they have passed all training requirements.

B. Failure to comply with the provisions of this rule and the contract shall be considered a violation of this rule and shall be sufficient cause for the department or MSHP to immediately suspend safety and/or emissions inspector licenses and the ability to conduct safety and/or emissions inspections.

C. As specified in the contract, the contractor shall maintain for the department an electronic database of licensed emissions inspector information, that at a minimum includes the inspector's name, unique identification number, date of license issuance, stations of employment, date of any license suspensions or revocations, and a list of inspection results by date and by model year, make model, and VIN.

4. Quality control for emissions inspection records.

A. All inspection records, calibration records, and control charts shall be accurately created, recorded, maintained and secured by the contractor.

B. The contractor shall make available all records and information requested by the department and shall fully cooperate with department, MSHP, and other state agency representatives who are authorized to conduct audits and other quality assurance procedures.

C. The contractor shall maintain emissions inspection records, including all inspection results and repair information.

(I) These records shall be kept readily available to the department and the MSHP for at least three (3) years after the date of an initial emissions inspection.

(II) These records shall be made available to the department and the MSHP on a real time continual basis through the use of an automated data communication system as specified in the contract.

(III) These records shall also be made available immediately upon request for review by department and MSHP personnel.

5. Quality control for all emissions inspection equipment.

A. At a minimum, the practices described in this section and in the contract shall be followed.

B. Preventive maintenance on all emissions inspection equipment shall be performed on a periodic basis, as provided by the contract between the department and the contractor and consistent with the EPA's and the equipment manufacturer's requirements.

C. To assure quality control, computerized analyzers shall automatically record quality control check information, lockouts, attempted tampering and any circumstances which require a service representative to work on the equipment.

D. To assure test accuracy, equipment shall be maintained by the contractor according to demonstrated good engineering procedures.

E. Computer control of quality assurance checks shall be used whenever possible. The emissions inspection equipment shall transmit the quality control results to the department's contractor as prescribed in the contract between the department and the contractor.

(M) Vehicle Registration. After a subject vehicle has passed the emissions inspection according to either paragraphs (3)(H)3. or (3)(J)3. of this rule, or received a waiver according to subsection (3)(K) of this rule, the contractor shall make electronically available to the Department of Revenue on a real time basis the emissions inspection compliance record to enable vehicle registration and compliance enforcement. Paper vehicle inspection reports may not be used for registration purposes.

(N) Violations and Penalties.

1. Persons violating this rule shall be subject to penalties contained in section 643.355, RSMo. Any person who knowingly misrepresents himself or herself as an official emissions inspection station or an inspector or a Recognized Repair Technician is guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this paragraph shall be considered to have committed an offense for the purposes of this paragraph.

2. All emissions inspection station operators and emissions inspectors shall comply with the emissions inspection law, 643.300-643.355, RSMo, and this emissions inspection rule. All emissions inspections shall be conducted in accordance with this emissions inspection rule. Failure to comply with the emissions inspection law or the emissions inspection rule will subject the emissions inspection station manager and emissions inspectors to one (1) or more of the following enforcement actions:

- A. Warning;
- B. Suspension of inspection licenses;
- C. Revocation of inspection licenses; and
- D. Arrest by the MSHP.

3. Before any emissions inspection station license or emissions inspector license is suspended or revoked by the department, the holder will be notified, either in writing by certified mail or by personal service at the station's address of record, and given the opportunity to have an administrative hearing as provided by 643.320.3, RSMo.

4. Lockouts. The department or MSHP may electronically lockout any emissions inspector, station, or equipment if the department or MSHP identifies any irregularities within the emissions inspection database or any irregularities identified during either overt or covert audits. The lockout may precede warnings, license suspensions or revocations, or arrests. The state's contractor shall display a lockout warning on the monitor of any inspection equipment that is locked out by the department or MSHP. Lockouts shall prevent the performing of emissions inspections by the locked out party. Lockouts shall be cleared when the department or MSHP is satisfied that there is no longer a need for a lockout.

(4) Reporting and Record Keeping.

(A) The contractor shall provide all licensed emissions inspection stations with vehicle inspection report forms and windshield stickers

for vehicles that pass an emissions inspection. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period.

1. The vehicle inspection report shall include:

A. A vehicle description, including license plate number, VIN, vehicle make, vehicle model, vehicle model year, and odometer reading;

B. The date and time of inspection;

C. The unique identification number of the licensed emissions inspector performing the inspection, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

D. The applicable inspection standards;

E. The passing OBD test results;

F. The results of the recall provisions check, if applicable, including the recall campaign;

G. A statement that the emissions inspection was performed in accordance with this state regulation;

H. A waiver indicator, if applicable;

I. The statement: "This inspection is mandated by your United States Congress"; and

J. A statement that the results have been transmitted directly to the Department of Revenue, and that the paper vehicle inspection report may not be used for vehicle registration purposes.

2. The windshield sticker shall—

A. Be affixed on the inside of the vehicle's front windshield in the lower left hand corner by the emissions inspector for each vehicle that passes the emissions inspection, or by the department representative for each vehicle that has been issued a waiver. A windshield sticker affixed to a vehicle that has been issued a waiver shall have a waiver indicator clearly visible on the sticker. Previous windshield stickers affixed to the windshield shall be removed;

B. Be as fraud resistant as required by the contract between the department and the contractor;

C. Be valid until the next emissions inspection is required as defined in subsection (3)(B) of this rule; and

D. Contain the statement: "This inspection is mandated by your United States Congress."

(B) The contractor shall provide all licensed emissions inspection stations with vehicle inspection reports for vehicles that fail an emissions inspection. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period. The vehicle inspection report shall include:

1. A vehicle description, including license plate number, VIN, vehicle make, vehicle model, vehicle model year, and odometer reading;

2. The date and time of inspection;

3. The unique identification number of the licensed emissions inspector performing the test, the unique identification number and location of the inspection station, and the unique identification number of the inspection equipment;

4. The applicable inspection standards;

5. The passing and failing OBD test results according to 40 CFR part 85, subpart W, section 2223. Section 2223 is incorporated by reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2223;

6. The results of the recall provisions check, if applicable, including the recall campaign;

7. A statement that the emissions inspection was performed in accordance with this state regulation;

8. The statement: "This inspection is mandated by your United States Congress"; and

9. A statement that the vehicle may be reinspected for free according to subparagraph (3)(J)1.A. of this rule.

(C) The contractor shall provide all licensed emissions inspection stations with a repair facility performance report for each failing vehicle. The repair facility performance report may be included on the vehicle inspection report described in subsection (4)(B) of this rule. The repair facility performance report shall list the ten (10) facilities employing at least one (1) Recognized Repair Technician that are nearest to the inspection station that conducted the failing emissions inspection. If the inspection station employs at least one (1) Recognized Repair Technician, the repair facility performance report shall include the inspection station in the list of ten (10) facilities. The report shall include, but not be limited to, the following:

1. The name of each facility, address, and phone number;
2. The percentage of vehicles repaired by the repair facility that passed a reinspection after one (1) reinspection;
3. Other information as required by the contract between the department and the contractor; and
4. How motorists may obtain the full or customized list of facilities employing Recognized Repair Technicians from the contractor at no cost to the motorist. The list shall be viewable on a publicly available website maintained by the contractor.

(D) The contractor shall provide a mechanism for collecting vehicle repair information from all Recognized Repair Technicians. This information may be collected through the emissions inspection equipment or through an Internet solution. The information shall be used to generate the repair facility performance report described in subsection (4)(C) of this rule. The information to be collected shall include, but not be limited to, the following:

1. The total cost of repairs, divided into parts and labor;
2. The name of the person who performed the repairs and their Recognized Repair Technician's identification number;
3. The name of the repair facility and the repair facility's identification number; and
4. The inspection failure the vehicle was being repaired for and the emissions-related repairs performed.

(E) The contractor shall provide all licensed emissions inspection stations and businesses employing Recognized Repair Technicians with customer complaint forms. After the effective date of this rule, any revision to the contractor supplied forms shall be presented to the regulated community for a forty-five (45)-day comment period. The customer complaint form shall include the telephone numbers of the department and the MSHP.

1. Any challenge regarding the performance or results of the emissions inspection must be made within ten (10) business days of the failing emissions inspection.

2. Any challenge regarding the results or effectiveness of the repairs made by either licensed emissions inspection stations or Missouri Recognized Repair Technicians must be made within twenty (20) business days of the date of vehicle repair.

(F) Beginning January 1, 2008, using a method provided by the contractor, federal, state, and local government agencies shall submit a list of vehicles, by VIN, that are operated by the government agencies and that are required to be inspected during each calendar year. Submittals are due by February 1 of each calendar year. If the first is not a business day or state holiday, the list shall be submitted to the contractor by the following business day. The contractor will audit these submittals by comparing the list of submitted vehicles to the database of inspected vehicles to track government fleet compliance. The contractor shall provide the department with the results of this audit by April 1 of each calendar year.

(5) Test Methods.

(A) To the extent possible, an OBD test as defined in subsection (2)(S) of this rule and the contract shall be performed on all 1996 and later model year light duty vehicles and light duty trucks powered by gasoline and all 1997 and later model year light duty vehicles and light duty trucks powered by diesel.

(B) The OBD test shall follow the procedures described in 40 CFR part 85, subpart W, section 2222. Section 2222 is incorporated by

reference in this rule, as published by the EPA, Office of Transportation and Air Quality, 2000 Traverwood, Ann Arbor, MI 48105 on April 5, 2001. This rule does not incorporate any subsequent amendments or additions to section 2222.

1. If the subject vehicle cannot be tested with the OBD test due to manufacturer design, then the subject vehicle shall be tested with only a bulb check test described in subparagraph (5)(B)2. of this rule.

2. Bulb check test.

A. Vehicles will fail the bulb check portion of the OBD test if the malfunction indicator light is not illuminated while the key is in the on position and the engine is off (KOEO).

B. Vehicles will fail the bulb check portion of the OBD test if the malfunction indicator light is illuminated while the key is in the on position and the engine is running (KOER).

C. Vehicles with keyless ignitions shall be subject to a bulb check test.

D. Vehicles that fail the bulb check portion of the OBD test shall fail the OBD test.

3. Data link connector and communications test.

A. Vehicles will fail the data link connector portion of the OBD test if the DLC is tampered with, blocked, or not located where the manufacturer located the DLC.

B. Vehicles will fail the communications portion of the OBD test if the vehicle does not transmit the necessary information to the inspection equipment after a ten (10)-second attempt, followed by two (2) additional thirty (30)-second attempts.

C. Vehicles that fail the DLC or communications portion of the OBD test shall fail the OBD test.

D. Repairs made to correct failures for DLC tampering as described in part (5)(B)3.A. of this rule shall not be eligible for cost-based waivers.

4. Readiness monitor test.

A. 1996–2000 model year gasoline-powered vehicles may pass the readiness monitor portion of the OBD test if they have no more than two (2) unset non-continuous readiness monitors.

B. 2001 and newer model year gasoline-powered vehicles may pass the readiness monitor portion of the test if they have no more than one (1) unset non-continuous readiness monitor.

C. Gasoline-powered vehicles that fail the OBD test with a catalytic converter DTC (P0420-P0439) present must have the catalyst monitor reset to pass the readiness monitor portion of the OBD retest.

D. Gasoline-powered vehicles will fail the readiness monitor portion of the OBD test if the following non-continuous monitors are not supported:

- (I) Oxygen sensor; and
- (II) Catalyst.

E. Vehicles that are on the readiness exemption table maintained by the contractor and authorized by the department shall be exempt from the readiness monitor portion of the OBD test.

F. Vehicles that fail the readiness monitor portion of the OBD test shall fail the OBD test.

5. Diagnostic trouble code test.

A. Vehicles will fail the diagnostic trouble code test if the OBD system has stored at least one (1) mature (non-pending, non-historic) DTC that commands the malfunction indicator light to be illuminated.

B. Vehicles will fail the diagnostic trouble code test if the vehicle commands the malfunction indicator light (MIL) to be illuminated but the OBD system has no mature (non-pending, non-historic) DTCs stored in the system.

C. The contractor shall ensure that their inspection equipment's request for DTCs does not cause the MIL to be illuminated.

D. Vehicles that fail the DTC portion of the OBD test shall fail the OBD test.

(C) If the subject vehicle passes the OBD test according to the OBD test standards specified in subsection (3)(I) of this rule and all

of the OBD test procedures described in section (5) of this rule, then the procedures in paragraph (3)(H)3. of this rule shall be followed.

(D) If the subject vehicle fails the OBD test according to the OBD test standards specified in subsection (3)(I) of this rule or any of the OBD test procedures described in section (5) of this rule, then the procedures in paragraphs (3)(H)4., (3)(H)5. and (3)(J)2. of this rule shall be followed.

AUTHORITY: section 643.310.1, RSMo Supp. 2006. Original rule filed Jan. 16, 2007.

PUBLIC COST: This proposed rule will cost four hundred twelve thousand two hundred fifty dollars (\$412,250) in FY 2008 and three hundred ninety-nine thousand seven hundred one dollars (\$399,701) in FY 2009. The total aggregate cost is (\$1,673,801). Note attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost \$14,140,880 in FY 2008 and \$13,351,856 in FY 2009. The total aggregate cost is \$55,283,024. Note attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., March 29, 2007. The public hearing will be held at the Café 37, Walnut Room, 37 Court Square, West Plains, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 5, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**Title: 10 – Department of Natural ResourcesDivision: 10 – Air Conservation CommissionChapter: 5 – Air Quality Standards & Air Pollution Control Rules Specific to the St. Louis Ozone Nonattainment AreaType of Rulemaking: New ruleRule Number and Name: 10 CSR 10-5.381 On-Board Diagnostic Motor Vehicle Emissions Inspection**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
178 government vehicle fleets	\$343,968
Department of Natural Resources	(\$2,017,769)

III. WORKSHEET

Fiscal Year	Number of Vehicles Tested	Emissions Fee	TOTAL REVENUE
2008	2,986	\$24.00	\$ 71,660
2009	3,583	\$24.00	\$ 85,992
2010	3,583	\$24.00	\$ 85,992
2011	3,583	\$24.00	\$ 85,992
2012	597	\$24.00	\$14,332
TOTAL:	14,332		\$343,968
		Acceptance Test Procedure Costs	TOTAL COSTS
2008		\$100,000	(\$100,000)
2009		\$ 25,000	(\$ 25,000)
2010		\$ 25,000	(\$ 25,000)
2011		\$ 25,000	(\$ 25,000)
2012		\$0	\$0
TOTAL:		\$175,000	(\$175,000)
Fiscal Year	Number of Vehicles Not Tested	State's Portion of Emissions Fee	TOTAL REVENUE
2008	153,564	\$2.50	(\$383,910)
2009	184,277	\$2.50	(\$460,693)
2010	184,277	\$2.50	(\$460,693)
2011	184,277	\$2.50	(\$460,693)
2012	30,712	\$2.50	(\$ 76,780)
TOTAL:	737,107		(\$1,842,769)
GRAND TOTAL:			(\$1,673,801)

The rule becomes effective the third month of the state fiscal year 2008 (September 1, 2007), so the number of vehicles tested during FY 08 are reduced. The contract period expires the end of the second month of the fiscal year 2012 (September 1, 2011). If the contract is extended, the cost would remain \$85,992 for each full fiscal year beyond FY 2011.

The estimated costs of compliance for the first full fiscal year (FY2009) of implementation is (\$399,701).

IV. ASSUMPTIONS

1. The statutory \$24 emissions testing fee cap remains constant.
2. The number of entities and the number of vehicles are based upon Gateway Clean Air Program records collected by the department. The number of governmental agencies and vehicles remains constant for the duration of the contract period.
3. The fleet inspection data collection costs for the department are identical to the present costs.
4. There is an even distribution in the number of vehicles between even and odd model years, such that half of the vehicles are tested in even calendar years, and half of the vehicles are tested in odd calendar years.
5. All future costs are estimated using 2006 actual figures.
6. The rule is effective on August 30, 2007.
7. The contract ends on September 1, 2011.
8. The Acceptance Test Procedure has a first year cost of \$100,000 due to program start up and thereafter an annual cost of \$25,000.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 – Department of Natural Resources

Division: 10 – Air Conservation Commission

Chapter: 5 – Air Quality Standards & Air Pollution Control Rules Specific to the St. Louis ozone nonattainment area

Type of Rulemaking: New rule

Rule Number and Name: 10 CSR 10-5.381 On-Board Diagnostic Motor Vehicle Emissions Inspection

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,131,176	Privately owned vehicles, 1996 – 2005 Model Years	\$51,148,224
15,000	Privately owned vehicles, 1997 – 2005 Light duty diesel vehicles	\$360,000
1,100	Licensed Emissions Stations Equipment	\$3,300,000
1,100	Annual Licensing Fee	\$440,000
600	Missouri Recognized Repair Technicians	\$34,800
TOTAL COSTS:		\$55,283,024

III. WORKSHEET

FISCAL YEAR	GASOLINE LDV BY FY	INSPECTION FEE	FISCAL IMPACT
2008	443,995	\$24.00	\$10,655,880
2009	532,794	\$24.00	\$12,787,056
2010	532,794	\$24.00	\$12,787,056
2011	532,794	\$24.00	\$12,787,056
2012	88,799	\$24.00	\$2,131,176
TOTAL:	2,131,176		\$51,148,224
FISCAL YEAR	DIESEL LDV BY FY	INSPECTION FEE	FISCAL IMPACT
2008	3,125	\$24.00	\$75,000
2009	3,750	\$24.00	\$90,000
2010	3,750	\$24.00	\$90,000
2011	3,750	\$24.00	\$90,000
2012	625	\$24.00	\$15,000
TOTAL:	15,000		\$360,000
GRAND TOTAL:	2,146,176		\$51,508,224

IV. ASSUMPTIONS

1. The known number of vehicles tested in CY 2005 remains constant until September 1, 2007.
2. The current number of licensed safety inspection shops in the St. Louis ozone nonattainment in CY 2006 remains constant until September 1, 2007, and all licensed safety inspection shops become licensed emissions inspection shops.
3. Annual licensing fee costs are based on the \$100 fee as stated in the rule and a four year contract. This cost occurs every fiscal year.
4. The current number of Missouri Recognized Repair Technicians (MRRT) in CY 2006 remains constant after September 1, 2007.
5. The \$24 emissions testing fee remains constant for the duration of the contract.
6. Station inspection equipment costs are a one-time expense for the duration of the contract. The cost of the emissions inspection equipment is \$3,000 per unit. This cost occurs in FY 2008.
7. ASE certifications are valid for 3 years and are a one-time \$58.00 expense during the period of the contract. This one-time cost occurs in FY 2009.
8. All future costs are estimated using 2006 actual figures.
9. The rule is effective on August 30, 2007.
10. The minimum contract duration is four years, and the contract ends on September 1, 2011.
11. Initial start-up costs (e.g. equipment purchases, MRRT certification) will be higher in the first two years and decreased after that time period.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—[Geological Survey and Resource
Assessment Division] Division of Geology
and Land Survey
Chapter 3—Well Construction Code

PROPOSED AMENDMENT

10 CSR 23-3.100 Sensitive Areas. The division is adding a new section (8).

PURPOSE: This amendment requires more stringent well drilling standards to be utilized in areas where groundwater is contaminated with contaminants of concern or degradation products in the Weldon Spring, St. Charles County, vicinity. Contaminants of concern at the U.S. Army Corps of Engineers (COE) Main Site include: trinitrotoluene (TNT) and dinitrotoluene (DNT). Department of Energy (DOE) contaminants of concern at the Chemical Plant area include 2,4,6-TNT, 2,4-DNT, 2,6-DNT, dinitrobenzene (1,3-DNB), nitrobenzene (NB), nitrate, uranium, and trichloroethylene (TCE). Only uranium and 2,4-DNT are contaminants of concern at the DOE Quarry. It also changes the name of the division.

(8) Special Area 4. Portions of St. Charles County west of the city of Weldon Spring shall be listed as Special Area 4 (Figures 7D included herein) due to the contamination of portions of the aquifer by one (1) or more of the following chemicals of concern: trinitrotoluene (TNT) and dinitrotoluene (DNT) at the U.S. Army Corps of Engineers (COE) site, 2,4,6-TNT, 2,4-DNT, 2,6-DNT, dinitrobenzene (1,3-DNB), nitrobenzene (NB), nitrate, uranium, and trichloroethylene (TCE) at the Department of Energy (DOE) Main Site, uranium, and 2,4-DNT, at the DOE Quarry, or other contaminants of the National Public Drinking Water Regulations (NPDWR). In this area it is necessary to utilize more stringent well construction standards for new wells that are drilled into the aquifer and to limit the deepening of existing upper aquifer wells.

(A) The division shall be consulted before constructing a new well in Special Area 4. The division will provide specific guidance on well drilling protocol, construction specifications and groundwater sampling on a case-by-case basis. The division must provide written approval for all new wells prior to construction.

(B) Before deepening a well in Special Area 4, groundwater sampling and analysis for the chemicals of concern must be conducted by qualified and properly trained individuals and the data submitted within sixty (60) days of the sampling event by the well installation contractor to the division. The division must provide written approval for the deepening of all new wells in Special Area 4. Wells that have been sampled and analyzed and are contaminated with chemicals of concern exceeding maximum contaminant levels (MCLs), action levels (ALs), and/or remediation goals included in the DOE/COE Record of Decision (ROD) for the Weldon Spring sites shall not be deepened.

(C) In addition to specific instructions that are provided by the division pursuant to 10 CSR 23-3.100(8)(A) and (B), the following must be performed at all new wells installed in Special Area 4:

1. All new and deepened old water wells in Special Area 4 shall be constructed with a sampling port or tap within ten feet (10') of the wellhead. Water must be purged from the sampling port prior to collection of a sample;

2. After proper well development, water from all new wells located in Special Area 4 shall be sampled and analyzed for the chemicals of concern, as determined by the division. Qualified and properly trained persons must complete sample collection. Sampling qualifications and training requirements will be determined in advance of sampling by the division and approval will be issued in written format. In order to document sampling has

occurred, a copy of the chain of custody form shall be submitted by the pump installation contractor to the division within sixty (60) days of pump installation; and

3. The data report from all analyses shall be made available by the pump installation contractor to the division and the well owner within sixty (60) days of the sampling event.

(D) Properly constructed new or deepened wells that, upon sampling and analysis, are contaminated at levels exceeding MCLs, ALs, and/or remediation goals included in the DOE/COE ROD for the Weldon Spring sites shall:

1. Be plugged full-length using high-solids bentonite slurry, six percent (6%) bentonite cement or neat cement grout placed under pressure via tremie pipe which extends to within twenty-five feet (25') of the bottom of the borehole. Grout shall extend from the bottom of the borehole to within two feet (2') of land surface. Prior to plugging all pumps and debris must be removed from the wells. Any liner must be removed or perforated if possible. Casing must be cut at least three feet (3') below ground surface. A registration report and fee (if required) must be submitted within sixty (60) days of abandonment; or

2. With prior approval from the division, the well owner shall be allowed to install a water treatment system that is designed to properly treat the chemical(s) of concern. The well shall not be used for human consumption until sampling and analysis demonstrates that the water treatment system reduces contaminant levels below MCLs, ALs, and/or remediation goals included in the DOE/COE ROD for the Weldon Spring sites for all chemicals of concern. The division shall be provided a copy of the post-treatment analytical data by the pump contractor within sixty (60) days of the sampling event.

(E) Notwithstanding these provisions, the federal government does not waive its rights and authority under federal law, regulations, or executive order within the boundaries and applicable jurisdiction of federal property.

Special Area 4

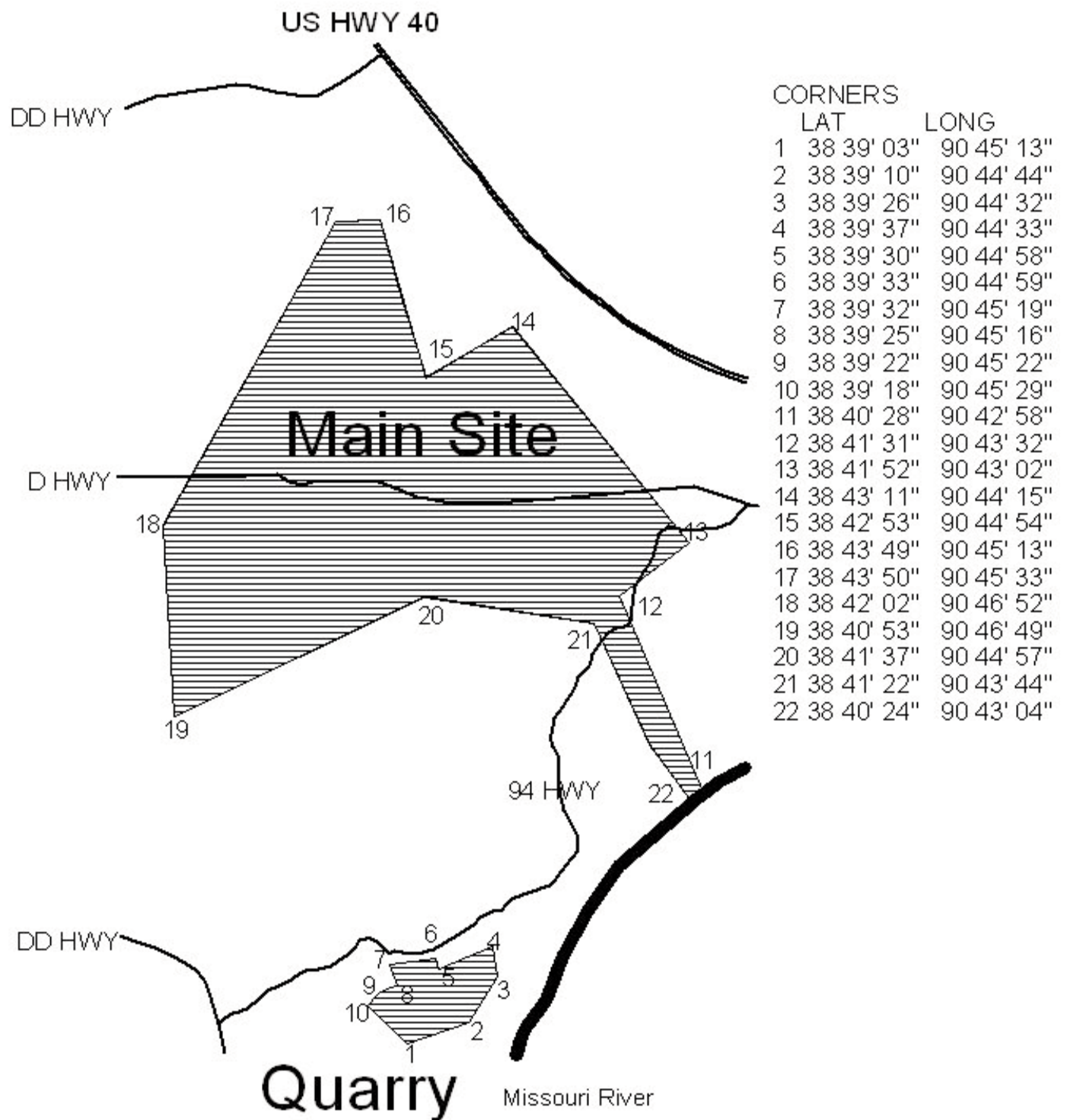


Figure 7D. Special Area 4, Weldon Spring Federal Area

AUTHORITY: sections 256.606 and 256.626, RSMo 2000. Original rule filed April 2, 1987, effective July 27, 1987. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 4, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Sheri Fry, PO Box 250, Rolla, MO 65402 or via email at sheri.fry@dnr.mo.gov. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—[Geological Survey and Resource
Assessment Division] Division of Geology
and Land Survey
Chapter 5—Heat Pump Construction Code

PROPOSED AMENDMENT

10 CSR 23-5.050 Construction Standards for Closed-Loop Heat Pump Wells. The division is amending sections (6) and (8) and adding a new section (13).

PURPOSE: This amendment requires more stringent well drilling standards to be utilized in areas where groundwater is contaminated with contaminants of concern or degradation products in the Weldon Spring, St. Charles County, vicinity. Contaminants of concern at the U.S. Army Corps of Engineers (COE) site include: trinitrotoluene (TNT) and dinitrotoluene (DNT). Department of Energy (DOE) contaminants of concern at the Main Site include 2,4,6-TNT, 2,4-DNT, 2,6-DNT, dinitrobenzene (1,3-DNB), nitrobenzene (NB), nitrate, uranium, and trichloroethylene (TCE). Only uranium and 2,4-DNT are contaminants of concern at the DOE Quarry. It also changes the name of the division.

(6) Hole Depth. Closed-loop heat pump wells must not be deeper than two hundred feet (200'). A variance must be obtained in advance, from the division, to drill a heat pump well deeper than two hundred feet (200'). A heat pump well drilled in Area C (see 10 CSR 23-3.100(3)) that is less than two hundred feet (200') deep and cuts the Northview Formation must have a thirty-foot (30') grout plug set starting at ten feet (10') below the bottom of the Northview Formation. A map will be provided by the division showing the depth the grout plug must start. Follow the grouting requirement set out in 10 CSR 23-5.050 (8) for grouting the interval above the Northview Formation. [A heat pump well drilled in Special Area 3 shall not be deeper than one hundred fifty feet (150').] **Total depth of a new heat pump well in Special Area 3 and Special Area 4 shall be determined in advance of drilling by the division.** At any heat pump well being drilled, per division guidance, in which perchloroethylene (PCE) and/or trichloroethylene (TCE) is encountered in a pure-product phase (also known as Dense Non-Aqueous Phase Liquid or DNAPL), drilling shall cease and the division shall be notified immediately. The division will determine further action.

(8) Grouting Depth of Vertical Heat Pump Wells. Grouting the annulus of a heat pump well is very important and must be completed immediately after the well is drilled due to cave-in potential in the uncased hole. Full-length grout is recommended and may be required

(see section (5)) to prevent surface contamination from entering the drinking water aquifer through the borehole. The grout required for heat pump wells greater than two hundred feet (200') in depth must be determined by the division in advance. A variance form will be issued setting the grouting requirements. If the heat pump borehole is not grouted full-length, hole size requirements stated in section (5) must be followed and nonslurry bentonite plugs must be placed into the borehole. A plug (first plug) must be placed about forty feet (40') above the total depth of the borehole. This plug must be composed of bentonite chips or pellets utilizing at least one (1) bag of bentonite resulting in at least a five foot (5') plug. Every forty feet (40') of borehole that exists above the first plug must have a plug set as described in this section. A near surface plug consisting of bentonite granules or powder must be set from a point ten feet (10') below the bottom of the trench, that connects the closed-loop to the heat pump machine, to the base of the trench. All bentonite plugs must be hydrated immediately after emplacement if they are in the unsaturated zone. All clean fill material placed between the bentonite plugs must be chlorinated. Heat pump wells in Special Area 3 and Special Area 4 must be grouted full length with thermal grout, placed from the bottom of the borehole up to the base of the trench.

(13) Heat Pump Wells in Special Area 4. Portions of St. Charles County west of the city of Weldon Spring are listed as Special Area 4 (Figures 7D, 10 CSR 23-3.100(8)) due to the contamination of portions of the aquifer by one (1) or more of the following chemicals of concern: trinitrotoluene (TNT) and dinitrotoluene (DNT) at the Army Corps of Engineers (COE) site, 2,4,6-TNT, 2,4,-DNT, 2,6-DNT, dinitrobenzene (1,3-DB), nitrobenzene (NB), nitrate, uranium, and trichloroethylene (TCE) at the Department of Energy (DOE) main site, uranium and 2,4-DNT at the DOE Quarry, or other contaminants of the National Public Drinking Water Regulations (NPDWR). In this area it is necessary to utilize more stringent construction standards for new heat pump wells that are drilled into or through the shallow aquifer defined as the Burlington Keokuk/Fern Glen formation(s) at the main site and the Kimmswick limestone at the DOE Quarry. In Special Area 4 a qualified and properly trained individual shall collect all groundwater samples for analysis of chemicals of concern. Sampling qualifications and training requirements will be determined in advance of sampling by the division and approval will be issued in written format.

(A) The division shall be consulted before constructing a new heat pump well in Special Area 4. The division will provide specific guidance on heat pump well drilling protocol and construction specifications on a case-by-case basis. The division must provide written approval for all new heat pump wells prior to construction.

AUTHORITY: sections 256.606 and 256.626, RSMo 2000. Emergency rule filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original filed Aug. 17, 1993, effective March 10, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 4, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Sheri Fry, PO Box 250, Rolla, MO 65402 or via email at sheri.fry@dnr.mo.gov. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund**

PROPOSED RESCISSION

10 CSR 80-9.010 Solid Waste Management Fund—Planning/Organizational Grants. This rule contained procedures and provisions for solid waste management districts to apply for planning/organizational grants from the Solid Waste Management Fund.

PURPOSE: The department proposes to rescind this rule. Senate Bill 225 passed during the 2005 legislative session eliminated district administration grants.

AUTHORITY: sections 260.225 and 260.335, RSMo Supp. 1990. Emergency rule filed Aug. 15, 1991, effective Aug. 25, 1991, expired Dec. 13, 1991. Original rule filed Aug. 15, 1991, effective Feb. 6, 1992. Emergency amendment filed Sept. 15, 1993, effective Sept. 25, 1993, expired Jan. 22, 1994. Amended: Filed Sept. 15, 1993, effective May 9, 1994. Rescinded: Filed Jan. 5, 2007.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rescission at 1:00 p.m. on April 3, 2007. The public hearing will be held at the Department of Natural Resources Conference Center in the Bennett Springs Conference Room, located at 1738 East Elm Street (rear), Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested persons. Also, any interested person may submit a written statement in support of or in opposition to this proposed rescission until 5:00 p.m. May 3, 2007. Written statements should be sent to Mr. Dennis Hansen, Department of Natural Resources, Solid Waste Management Program, PO Box 176, Jefferson City MO 65102-0176.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-5401 at least five (5) working days prior to the hearing.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 9—Solid Waste Management Fund**

PROPOSED AMENDMENT

10 CSR 80-9.050 Solid Waste Management Fund—District Grants. The department is amending sections (1)–(6), adding new sections (3), (4) and (10) and renumbering or relettering as needed.

PURPOSE: The department is amending portions of the rule that are in conflict with Senate Bill 225 passed during the 2005 legislative session and to address findings in the February 2006 State Auditor's Report of the audit of the Solid Waste Management Program. The amendment will also add annual reporting of goals and accomplishments to increase accountability of grant funds.

PURPOSE: This rule contains procedures and provisions for solid waste management districts to qualify for grant funds from the Solid Waste Management Fund as provided for in section 260.335.2[(4)], RSMo.

(1) *[Eligibility]* Definitions. Definitions for key words used in this rule may be found in 10 CSR 80-2.010. Additional definitions specific to this rule are as follows:

[(A) Definitions. Definitions for key words used in this rule may be found in 10 CSR 80-2.010. Additional definitions specific to this rule are as follows:

1. *Executive board.* The board established by the district's solid waste management council or by the alternative management structure chosen by a district as provided for in section 260.310.4(2), RSMo;

2. *Project.* Project means all approved components of an organized undertaking described in a proposal, including any supporting documents as required by project type; and

3. *Solid Waste Management Fund.* The fund established to receive the tonnage fee charges submitted by sanitary and demolition landfills for waste disposed of in Missouri and transfer stations for waste transported out of state for disposal.]

(A) *Allocated district funds.* Monies from the Solid Waste Management Fund that are set aside to be disbursed to each district by the department;

(B) *Competitive bid process.* Procurement of goods or services that follows the guidelines outlined in 1 CSR 40;

(C) *Disbursed district funds.* District funds paid to each district or subgrantee;

(D) *Disposal cost.* Fees charged to collect, transport or deposit solid waste in a landfill, transfer station or other approved facility;

(E) *District administrative grant.* Planning and organizational grants disbursed by the department to each district prior to August 28, 2004;

(F) *District carryover.* Any remaining district funds of any completed grants that have been disbursed by the department to each district for district administrative grants, district operations grants, plan implementation grants or district subgrants;

(G) *District funds.* The revenue generated from the solid waste tonnage fee collected and deposited in the Solid Waste Management Fund and allocated to each district pursuant to section 260.335.2, RSMo, plus district carryover, interest income earned and state required local match funds;

(H) *Executive board.* The board established by each district's solid waste management council or by the alternative management structure chosen by a district as provided for in section 260.315.4(2), RSMo;

(I) *Interest income.* All interest earned by each district from the holding of revenue generated from the Solid Waste Management Fund;

(J) *Project.* All approved components of an organized undertaking described in a proposal, including any supporting documents as required by project type;

(K) *Solid Waste Management Fund.* The fund created in section 260.330, RSMo, to receive the tonnage fee charges submitted by sanitary and demolition landfills for waste disposed of in Missouri and transfer stations for waste transported out of state for disposal;

(L) *State required local match funds.* Funds committed by local governments to each district as match for district administrative grants; and

(M) *Unencumbered district funds.* District funds that have not been obligated in the form of purchase orders for goods and services.

(2) *Eligibility.*

[(B)](A) Applicability. This rule applies to the members of the executive boards of all department-recognized solid waste management districts in Missouri.

[(C)](B) Projects. The district *[grant]* funds are to be allocated for projects in accordance with the following provisions:

1. Grant monies made available by this rule shall be allocated by the district for projects contained within the district's approved solid waste management plan. These funds will be used for solid waste management projects as approved by the department. However, no grant funds will be made available for incineration without energy recovery;

2. In the event that the district solid waste management plan has not been submitted to the department, any eligible projects approved by the district and allocated monies made available by this rule shall be included in the district's solid waste management plan prior to submission;

3. In the event that the district solid waste management plan has been submitted to the department, any eligible projects approved by the district and allocated monies made available by this rule, but not contained within the plan, shall be considered an addenda to the plan. The addenda will be evidenced in quarterly and final project reports required under *[subsections (4)(B) and (C)]* subsection (6)(B) of this rule. Projects serving as addenda to the plan in this manner must be included in any documents required by the department to be submitted by the districts that update the plan or that verify implementation of the plan pursuant to section 260.325.5, RSMo;

4. District *[grant]* funds *[will]* shall not be awarded for a project whose applicant is directly involved in the evaluation and ranking of that particular project; *[and]*

[5. District grant funds may be withheld if the district has an unresolved audit with significant findings or questioned costs.]

5. District funds shall not be awarded for a project that duplicates or displaces existing resource recovery services, unless the proposed project clearly demonstrates how it will result in significant improvement or expansion of service; and

6. District funds shall not be awarded for a project that collects solid waste for disposal on a continuous basis.

[(D)](C) Grant Funds.

1. As determined by statute, an amount of the revenue generated from the solid waste tonnage fee collected and deposited in the Solid Waste Management Fund may be allocated annually to the executive board of each officially recognized solid waste management district for district grants. Further, each officially recognized solid waste management district shall be allocated, upon appropriation, a minimum amount *[of forty-five thousand dollars (\$45,000)]* for district grants pursuant to section 260.335.2⁽³⁾, RSMo.

2. The district shall enter into a financial assistance agreement with the department prior to the disbursement of district funds. The financial assistance agreement shall, at a minimum, specify that all district funds will be managed in accordance with statute and this rule.

3. Quarterly the department shall notify the executive board of each district of the amount of grant funds for which the district is eligible. Upon request, the department will provide to a district the reported tonnages and tonnage fees paid into the Solid Waste Management Fund.

[2.]4. [Up to forty percent (40%) of the g]Grant money available to a district under subsection [(1)(D)](2)(C) of this rule within a fiscal year may be allocated for district operations, projects that further plan implementation and [at least sixty percent (60%)] shall be allocated for projects] subgrantee projects of cities and counties within the district pursuant to section 260.335.2, RSMo.

[3.]5. Any [regional monies available] district funds allocated to a district but not [awarded or expended] requested by the district following the procedures outlined in this rule within twenty-four (24) months of the [state fiscal year in which it was allocated due to insufficient or inadequate project, as determined by the district's executive board or the department,] date of the allocation notice by the department in paragraph (2)(C)3. of this rule may be reallocated by the department pursuant to section 260.335.2⁽⁴⁾, RSMo [of the Missouri Solid Waste

Management Law].

6. At the end of a district's fiscal year, a district shall only retain unspent and unencumbered district funds for district operations in an amount that shall not exceed one-fourth (1/4) of the district's previous fiscal year's expense for district operations or twenty thousand dollars (\$20,000), whichever is greater. Any remaining district funds over this maximum balance shall be allocated for projects other than district operations in the district's next request for project proposals in accordance with section 260.335, RSMo.

7. At the end of a district's fiscal year, any district carryover funds and interest income in excess of twenty thousand dollars (\$20,000) shall be allocated for projects other than district operations in the district's next request for project proposals in accordance with section 260.335, RSMo, unless approved by the department.

8. A solid waste management district may elect to use more than one (1) fiscal year's allocation of funds to finance a project. Prior to the department setting aside funds for this project, the district shall submit a request to the department for approval which provides justification and financial supporting documentation. The department will not release funds to the district for the project before the project is scheduled to begin incurring expenses.

9. All district funds shall be used for solid waste management activities and projects as approved by the department.

[(E)](D) Costs. In general, the following subsections list eligible and ineligible costs for district funds. Items not listed in this section or in subsections (3)(A) and (4)(B) should be discussed with the department.

[1. In-kind contributions. In-kind contributions are allowable project costs when they directly benefit and are specifically identifiable to the project. Ineligible costs, other than acquisition of privately owned land, are not allowable as in-kind contributions.]

[2.]1. Eligible costs. Applicants can request monetary assistance in the operation of eligible projects for the following types of costs. Eligible costs may vary depending on the services, materials and activities, as specified in the *[financial assistance application]* grant application:

- A. Collection, processing, manufacturing or hauling equipment;
- B. Materials and labor for construction of buildings;
- C. Engineering or consulting fees;
- D. Salaries and related fringe benefits directly related to the project;
- E. Equipment installation costs including installation freight or retrofitting of the equipment;
- F. Development and distribution of informational materials;
- G. Planning and implementation of informational forums including, but not limited to, workshops;
- H. Travel as necessary for project completion;
- I. Overhead costs directly related to the project; *[and]*
- J. Laboratory analysis costs¹; and
- K. Professional services for review of contracts.

[3.]2. Ineligible costs. The following costs are considered ineligible for district grant funding:

- A. Operating expenses, such as salaries and expenses that are not directly related to district operations or the project activities;
- B. Costs incurred before the project start date or after the project end date;
- C. Taxes;
- D. Legal costs, except as provided in (2)(D)1.K.;
- E. Contingency funds; *[and]*
- F. Land acquisition²;
- G. Gifts;
- H. Disposal costs, except for projects as indicated in paragraph (2)(B)6. of this rule;

I. Fines and penalties;

J. Food and beverages for district employees, board members or subgrantees at non-working meetings;

K. Memorial donations for board members, district employees, or subgrantees;

L. Office decorations, except as indicated in paragraph (3)(A)4. of this rule; and

M. Lobbyists, pursuant to section 105.470, RSMo.

(3) District Operations.

(A) Eligible Costs. The districts shall request funding for the costs that are reasonable and necessary for proper and efficient performance and administration of the district. District operations costs must be specifically for the purpose of district operations and may include:

1. Salaries and related fringe benefits of employees;

2. Cost of materials and supplies acquired, consumed or expended;

3. Rental or leasing of office space;

4. Office decorations costing less than five hundred dollars (\$500) per year;

5. Equipment and other capital expenditures;

6. Travel expenses incurred;

7. The cost of utilities, insurance, security, janitorial services, upkeep of grounds, normal repairs and alterations and the like to the extent that they keep property at an efficient operating condition, do not add to the permanent value of property or appreciably prolong the intended life and are not otherwise included in rental or other charges for space;

8. Contracted services for eligible costs acquired through a competitive bid process; and

9. Non-cash service awards which are reasonable in cost.

(B) Grant Application. Districts eligible to receive district operations grant funding shall submit a written request to the department, on forms provided by the department, that includes:

1. A completed district operations budget, containing such detail as specified by the department, that has been approved by the executive board, including an executive summary and list of tasks for the budget period;

2. Copies of any contracts in effect for district operations services;

3. If applicable, documentation of the bidding process used to procure district operations services; and

4. The grant and budget period shall cover up to a one (1)-year time period, unless otherwise approved by the department.

(4) Plan Implementation Projects.

(A) Projects. The department shall allocate plan implementation funds for projects in accordance with the following provisions:

1. Grant monies made available by this rule shall be allocated by the district for projects contained within the district's solid waste management plan or which enable the district to plan and implement activities pursuant to section 260.325, RSMo;

2. Projects shall be conducted by district staff or through a contract with the district. Contracted services must be procured through a competitive bid process;

3. Projects should benefit the counties or cities who are members of the district; and

4. A project period shall be determined that allows for the purpose of the project to be accomplished and for adequate reporting of the results of the project to determine if the project met its intended goals. Project and budget periods may allow for up to a two (2)-year time period for project completion. A maximum of one (1) six (6)-month extension may be allowed beyond the two (2) years when approved by the executive board. Any extension of the project or budget periods beyond two (2) years and six (6) months must have the prior approval of the executive

board and the department.

(B) Eligible Costs. Districts may request monetary assistance in the operation of eligible plan implementation projects for the types of costs listed in paragraph (2)(D)1. of this rule. Eligible costs may also include costs associated with revising the district's solid waste management plan.

(C) Grant Application. Districts eligible to receive plan implementation grant funding shall submit a written request to the department that includes copies of all plan implementation project proposals approved by the executive board as documented in meeting minutes. At a minimum, project proposals must include:

1. An executive summary of the project objectives and the problem to be solved, referencing the district's solid waste management plan component to which it applies;

2. The location of the project, project name, and the project number assigned by the district;

3. A work plan which identifies project tasks, the key personnel and their qualifications;

4. A timetable showing anticipated dates for major planned activities and expenditures, including the submittal of quarterly reports and the final report;

5. A budget that includes an estimate of the costs for conducting the project. Estimates shall be provided for all major planned activities or purchases by category;

6. Documentation that all required proposal content has been received and reviewed by the district executive board including cost estimates, verification that all applicable federal, state and local permits, approvals, licenses or waivers necessary to implement the project are either not needed or have been obtained or applied for and will be obtained prior to an award, and demonstration of compliance with local zoning ordinances;

7. The type of waste and estimated tonnage to be diverted from landfills or other measurable outcomes;

8. A description of the evaluation procedures to be used throughout the project to measure the success or benefit of the project;

9. For projects involving awards over fifty thousand dollars (\$50,000), supporting documentation must be provided to demonstrate technical feasibility, including a preliminary project design, preliminary engineering plans and specifications for any facilities and equipment required for a proposed project; and

10. If requested by the department, copies of any or all approved project proposals and supporting documents.

[(2)](5) District [Fund] Subgrantee Procedures.

[(A) Notification.

1. Notification by the department. To initiate the process of awarding funds for district solid waste management plan projects, the department annually shall notify the executive board of each district of the amount of grant funds for which the district is eligible. This notification will be provided to districts by the department no later than November 30 of each fiscal year and will stipulate the deadline by which approved project documentation must be submitted to the department by the executive board.]

[2.](A) Notification by the [d]/Districts. The district executive boards shall request project proposals by giving written notification to the governing officials of each member county and city over five hundred (500) in population and by publishing a notice in a newspaper officially designated by the [presiding commissioner] chief elected official of each member county, for public notices for every member county and city with a population over five hundred (500) within the district. [Notification may begin no sooner than July 1 of each fiscal year.] The district executive board shall provide the written notification and newspaper notice at least thirty (30) days prior to when proposals are due. If the district executive board will request project proposals more often than annually, the district executive board may issue the written notification and

newspaper notice annually specifying when the district will be accepting project proposals for the upcoming year.

(B) Proposal Content and Supporting Documents. The districts shall, as appropriate, require the proposals to include but not be limited to the following information:

1. An executive summary of the project objectives and the problem to be solved, *[including the page numbers of the] referencing the district's solid waste management plan component to which it applies. This should be no longer than two (2) pages*;

2. The location of the project and name, address and phone number of the official subgrant recipient(s);

3. A work plan which identifies project tasks, the key personnel and their qualifications;

4. A timetable showing anticipated dates for major planned activities and expenditures, including the submittal of quarterly reports and the final report;

5. A budget that includes an estimate of the costs for conducting the project. Estimates shall be provided for all major planned activities or purchases by category and shall be supported by documentation showing how each cost estimate was determined. If the project includes matching funds, the budget must delineate the percentages and dollar amounts of the total project costs for both district funds and applicant contributions;

6. Verification that all applicable federal, state and local permits, approvals, licenses or waivers necessary to implement the project are either not needed or have been obtained or applied for and will be obtained prior to an award;

7. Demonstration of compliance with local zoning ordinances;

8. A description of the evaluation procedures to be used throughout the project to quantitatively and qualitatively measure the success **or benefit** of the project;

9. Documentation that shows a commitment for the match, if applicable;

10. The following supporting documents for projects involving allocations over *[twenty] fifty* thousand dollars *[((\$20,000)] (\$50,000)*:

A. To demonstrate technical feasibility, a preliminary project design, **preliminary** engineering plans and specifications for any facilities and equipment required for a proposed project;

B. A financial report including:

(I) A three (3)-year business plan **for the proposed project**. For projects involving recycling and reuse technologies, the plan shall include a market analysis with information demonstrating that the applicant has secured the supply of and demand for recovered material and recycled products necessary for sustained business activity;

(II) A description of project financing, including projected revenue from the project; and

(III) A credit history; and/or up to three (3) years' previous financial statements or reports; *[and] or for governmental entities a bond rating*;

[10./11. Confidential business information and availability of information. Any person may assert a claim of business confidentiality covering a part or all of that information by including a letter with the information which request protection of specific information from disclosure. Confidentiality shall be determined or granted in accordance with Chapter 610, RSMo. However, if no claim accompanies the information when it is received by the department, the information may be made available to the public without further notice to the person submitting it*./; and*

12. In the event that more than one (1) solid waste management district proposes to participate in a project as joint subgrantees, each participating district's responsibilities will be outlined in the subgrantee Financial Assistance Agreement. One (1) of the participating districts must be designated as project manager. The project will be administered as provided for in sections (5) and (6) of this rule.

(C) A project period shall be determined that will allow an adequate time period for the subgrantee to accomplish the purpose of the project and provide reporting of the results and accomplishments. Project and budget periods may allow for up to a two (2)-year time period for project completion. A maximum of one (1) six (6)-month extension may be allowed beyond the two (2) years when approved by the executive board. Any extension of the project or budget periods beyond two (2) years and six (6) months must have the prior approval of the executive board and the department.

[(C)](D) Proposal Review and Evaluation. The executive boards must review, rank and approve proposals as outlined in this subsection. **The executive board may appoint a committee to review and rank proposals. The executive board shall make final approval.**

1. Review for eligibility and completeness. For all proposals received by the deadline as established in their public notices to the media, the board shall determine the eligibility of the applicant, the eligibility of the proposed project, the eligibility of the costs identified in the proposal and the completeness of the proposal.

2. Notice of eligibility and completeness. If the district executive board determines that the applicant or the project is ineligible or incomplete, the board may reject the proposal and shall notify the applicant. A project may be resubmitted up to the application deadline.

3. Proposal evaluation. The executive board **or their appointed committee** shall evaluate each proposal that is determined to be eligible and complete. The board will develop a District Targeted Materials List to be used as one of the evaluation criteria. The evaluation method will include the following criteria, as appropriate per project category:

A. Conformance with the integrated waste management hierarchy as described in the *Missouri Policy on Resource Recovery*, as incorporated by reference in this rule;

B. Conformance with the District Targeted Materials List;

C. Degree to which the project contributes to community-based economic development;

D. Degree to which funding to the project will adversely affect existing private entities in the market segment;

E. Degree to which the project promotes waste reduction or recycling or results in an environmental benefit related to solid waste management through the proposed process;

F. Demonstrates cooperative efforts through a public/private partnership or among political subdivisions;

G. Compliance with federal, state or local requirements;

H. Transferability of results;

I. The need for the information;

J. Technical ability of the applicant;

K. Managerial ability of the applicant;

L. Ability to implement in a timely manner;

M. Technical feasibility;

N. Availability of feedstock;

O. Level of commitment for financing;

P. Type of contribution by applicant;

Q. Effectiveness of marketing strategy;

R. Quality of budget; and

S. Selected financial ratios.

4. **The executive board shall develop minimum criteria for the approval of grant funding.**

[(3)](6) *[Project]* District Documentation.

(A) **Subgrantee** Proposals. The following documentation *[should]* must be submitted by the district to the department *[by the deadline established by the department in the notification to the executive board]* as part of the grant application process:

1. A completed project request summary form provided by the department that includes, at a minimum, the following information:

[1.]A. Copies of [7]the executive summaries of the eligible proposals submitted to the executive board, or narratives prepared by the district, that describe the location of project, project objectives, tasks and general timeline of each eligible proposal;

B. For each project approved for an award by the executive board indicate the name of the project, the project number assigned by the district and:

(I) The total amount awarded to each project, what amount is awarded from the current undisbursed allocation funding, any carryover from previous awards by the district and the source of the carryover, and any interest accrued by the district;

(II) The project budget by category;

(III) The type of waste and estimated tonnage to be diverted from landfills or other measurable outcomes;

(IV) The project start and stop dates; and

(V) Documentation that all required proposal content has been received and reviewed by the district;

2. The aggregate executive board rankings for each of the eligible proposals or documentation that the proposals meet the minimum criteria for funding set by the executive board using the evaluation criteria as described in paragraph [(2)(C)3.](5)(D)3.;

3. If requested by the department, [C]copies of any or all approved project proposals and supporting documents[. The documentation must indicate if the project is considered a plan implementation or a city/county activity; and];

4. A copy of the notices given to the governing bodies and published in the newspapers within the district[.];

5. A copy of the subgrantee financial assistance agreement between the district and subgrantee, any amendments made to the subgrantee financial assistance agreement indicated in subsection (7)(H) of this rule and invoice; and

6. Documentation that the executive board discussions and votes for approved subgrants took place in open session, in accordance with sections 610.010 to 610.200 of the Missouri Sunshine Law.

(B) Quarterly Reports. On quarterly status report forms provided by the department,

[1. T]the district shall submit the following information to the department[, at] thirty (30) days after the end of each state fiscal year quarter[, a report which contains the following for each project in progress]:

1. Project status. For each plan implementation and district subgrantee project in progress the district shall provide:

A. The details of progress[, including the volume or weight in tons of waste diverted for each type of recovered material utilized in the project, if appropriate] addressing the project tasks outlined in the plan implementation application or subgrantee financial assistance agreement;

B. Problems encountered in project execution;

C. Budget adjustments made within budget categories, with justifications; [and]

D. [Other information necessary for proper evaluation of the progress of the projects.] The weight in tons of waste diverted for each type of recovered material utilized in the project for the most recent quarter following the implementation of the diversion activity or other measurable outcomes, as appropriate;

E. A copy of an amended subgrantee financial assistance agreement, if appropriate; and

F. Other information necessary for proper evaluation of the progress of the projects.

2. In the event that a time period for a project is less than a full year, only quarterly information appropriate to the project time period need be included in the district report.

3. Project financial summary. For each grant (district operations, plan implementation and district subgrantee project) the district shall provide:

A. The original award amount taken from the accrued

allocation held by the department;

B. Any district carryover used to fund a project or district operations;

C. Any accrued interest income used to fund a project or district operations;

D. Total grant award for that project or district operation (total of subparagraphs (6)(B)3.A., B., and C. of this rule);

E. Cumulative amount of district disbursement of funds to each subgrantee or to the district during that reporting period;

F. Balance of that project or district operations during that reporting period;

G. Any carryover funding held by the district that has not been obligated for projects or district operations; and

H. Any accrued interest income held by the district that has not been obligated for projects or district operations.

[(C)]4. Final project [R]reports. The district shall submit to the department a final report for each plan implementation or district subgrantee project [, within thirty (30) days of the project completion date as stated in the financial assistance agreement,] that shall contain the same information as described for [quarterly reports in subsection (4)(B)] project status in paragraph (6)(B)1. of this rule, as well as a comparison of actual accomplishments to the goals established and a description as to how goals were either met, not met or were exceeded.

5. District operations status:

A. The details of progress in completing the district operations tasks outlined in the district operations application;

B. Problems encountered in district operations;

C. Required budget amendments; and

D. Other information necessary for proper evaluation of district operations.

(C) District Annual Report. The district shall submit to the department within one hundred twenty (120) days of the end of the state fiscal year a report covering the following information for the state fiscal year:

1. Goals and accomplishments. A description of the district solid waste management goals, actions taken to achieve those goals and the goals that have been set for the upcoming state fiscal year;

2. Types of projects and results, including:

A. A summary of the projects that included goals to divert solid waste tonnage from landfills, including number and costs of projects, tons diverted and average cost per ton diverted, and other measurable outcomes achieved;

B. A summary of the projects that did not have waste diversion goals, including number and costs of projects, and measurable outcomes achieved; and

C. Separate statistics for items banned by statute from landfills and items that are not banned from landfills;

3. A description of the district's grant proposal evaluation process; and

4. A list of district council and executive board members, including their affiliation(s).

[(4)](7) Executive Board Accountability.

(A) The executive board shall comply with the department's reporting requirements, pursuant to section [(3)](6) of this rule.

(B) An executive board receiving funds from the Solid Waste Management Fund for district grants shall themselves maintain, and require recipients of financial assistance to maintain, an accounting system according to generally accepted accounting principles that accurately reflects all fiscal transactions, incorporates appropriate controls and safeguards, and provides clear references to the project as agreed to in the Financial Assistance Agreement. Accounting records must be supported by source documentation such as cancelled checks, paid bills, payrolls, time and attendance records, contract, and agreement award documents.

(C) The executive board shall not provide funding to any non-governmental member of the executive board or the business or institution to which the member is affiliated.

[(C)](D) Payments to grant recipients shall be on a reimbursement basis. The executive board shall retain fifteen percent (15%) of the funds from the recipient until the project is complete. A project shall be deemed complete when the project period has ended and the board gives approval to the grant recipient's final report and the final accounting of project expenditures. The district may make payment directly to a vendor instead of reimbursing the grant recipient provided the executive board approves the direct payment, goods or services being purchased by the grant recipient have been received, and the executive board retains fifteen percent (15%) of the funds until completion of the grant project. For reimbursements or direct payments, the district may release the fifteen percent (15%) retainage prior to completion of the grant project with prior approval of the department.

[(D)](E) Retention and Custodial Requirements for Records.

1. The executive board shall retain all records and supporting documents directly related to the funds and projects for a period of three (3) years from the date of submission of the final status report and make them available to the department for audit or examination.

2. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the three (3)-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three (3)-year period, whichever is later.

[(E)](F) All general and special terms and conditions of the department applicable to the project will be applicable to recipients of awards made available by this chapter.

[(F)](G) The executive board shall address all deficiencies identified in a district's audit to the satisfaction of the department. Districts failing to adequately address deficiencies identified in the audit may *[not be eligible to receive any further funding and]* have funds withheld or may be required to repay any and all disbursements of funds in accordance with section (9) of this rule.

[(G)](H) Funding for approved subgrants will be forwarded to the districts upon receipt of a completed, signed and dated invoice and subgrantee financial assistance agreement for each individual subgrant.

(I) Notwithstanding any other provision of law to the contrary, within eighteen (18) months after the effective date of this rule, the executive board shall competitively bid for administrative services, office space rental, and other district operations services costing five thousand dollars (\$5,000) or more, except for employees who are directly employed by the district. Contracts shall not exceed five (5) years in duration.

(J) The executive board shall have their records audited by a certified public accountant or firm of certified public accountants pursuant to section 260.325, RSMo. Districts shall arrange to have the audit conducted and submit to the department a complete audit report prepared by the certified public accountant or firm of certified public accountants within one hundred eighty (180) days of the end of the period covered by the audit.

(K) For capital assets over five thousand dollars (\$5,000) purchased in whole or in part with state funds and in which a security interest is held, the executive board must maintain property records. At a minimum these records shall include a description of the equipment, a serial number or other identification number, the source of the property, the acquisition date, cost of the property, percentage of state funds used in the cost of the property, and the location, use and condition of the property.

(L) The executive board shall insure that a physical inventory is conducted of property purchased with district funds and the results reconciled with the property records at least once every two (2) years.

(M) For capital assets over five thousand dollars (\$5,000) purchased in whole or in part with state funds, by the district or sub-

grantee, the executive board shall ensure that insurance is procured and maintained that will cover loss or damage to the capital assets with financially sound and reputable insurance companies or through self-insurance, in such amounts and covering such risks as are usually carried by companies engaged in the same or similar business and similarly situated.

(N) Pursuant to section 260.320.3, RSMo, the executive board shall appoint one (1) or more advisory committees and ensure that the advisory committee(s) meet annually, at a minimum.

(O) Planning Requirements. Pursuant to section 260.325, RSMo, the board shall review the district's solid waste management plan at least every twenty-four (24) months for the purpose of evaluating the district's progress in meeting the requirements and goals of the plan, and shall submit plan revisions to the department and council. At a minimum, the executive board shall submit plan revisions by April 1 of each odd-numbered year that include, but are not limited to:

1. An inventory of solid waste services in the planning area on forms provided by the department. Service information shall include:

A. The solid waste collection services available to residential and commercial customers;

B. The recycling services available to residential and commercial customers;

C. The services available for management of items banned from Missouri landfills, pursuant to section 260.250, RSMo; and

D. The services available for management of household hazardous wastes;

2. Pursuant to section 260.320.3, RSMo, a list of advisory boards, members of each and documentation of meetings; and

3. A description of illegal dumping identification, public education and household hazardous waste activities and programs established by the executive board, pursuant to section 260.320.3, RSMo.

[(5)](8) Awards.

(A) District Awards. All district grant awards are subject to the state appropriation process. District grant awards will be *[allocated]* disbursed to the district as provided for in subsection [(1)(D)](2)(C) of this rule following receipt by the department of all applicable applications and documentation per sections [(4)](3), (4), and (6) of this rule, from the executive board of the district.

(B) District Subgrantee Project Awards.

1. All district subgrantee grant awards are subject to the appropriation process. *[The department cannot guarantee funding of a district-approved project more than twenty-four (24) months after the date it has been awarded. After which time it will be reallocated pursuant to section 260.335.2(4), RSMo of the Missouri Solid Waste Management Law.]*

2. Before the districts distribute awarded funds *[are distributed]* to a subgrantee, the subgrantee shall do the following:

A. Obtain all applicable federal, state and local permits, approvals, licenses or waivers required by law and necessary to implement the project;

B. Enter into a subgrantee financial assistance agreement, or an amended subgrantee financial assistance agreement if appropriate, issued by the district which is consistent with the Solid Waste Management Law and department rules and all terms and conditions of the district's *[grant]* financial assistance agreement; and

C. Submit all required quarterly and final reports.

[(6)](9) Withholding of District Funds.

(A) The department may withhold *[or reduce]* all or a portion of district grant awards until the district is in compliance with the following:

[(A)]1. Solid Waste Management Law and regulations;

[(B)]2. Planning requirements pursuant to section 260.325/.3 and .5], RSMo;

[(C) All applicable rules;]

[(D)]3. All general and special terms and conditions of the district's [grant] financial assistance agreement; [and]

[(E)]4. Audit requirements[.];

5. Resolution of significant audit findings and questioned costs; and

6. All reporting requirements and plan revisions indicated in this rule.

(B) The department shall provide written notice of noncompliance prior to the withholding of funds, unless the severity of a significant audit finding requires the immediate withholding of funds. Such notice shall allow a minimum of thirty (30) days for the district to submit the documentation or conduct other tasks as indicated in the department's notice.

(C) If a district fails to submit to the department a complete quarterly report, annual report or plan revision by the due date indicated in the department's notice of noncompliance, the department shall withhold and reallocate funds equal to one percent (1%) of the district's most recent quarterly allocation for each day past the notice due date, unless these provisions have been met:

1. The district has requested an extension prior to the notice due date and the department has granted an extension;

2. The district has submitted a complete report by the date indicated in the department approved extension; and

3. The department shall use the postmark date as the date submitted by the district. If no postmark date is available, the department shall use the date the department receives the report.

(D) For questioned costs that the department determines to be inappropriate or unnecessary, the district shall repay the department or the department shall withhold from the district's allocation the amount of the cost, following the department's written request.

(E) For funds withheld from a district or repaid by a district, the department shall reallocate these funds to all districts that, at the time of the reallocation, are in compliance with all requirements and have addressed all deficiencies identified in a district's audit to the satisfaction of the department. The reallocation shall be made to districts in accordance with the allocation criteria pursuant to section 260.335, RSMo.

(10) **Dispute Resolution.** The district and the department shall attempt to resolve disagreements concerning the administration or performance of the district. If an agreement cannot be reached within ninety (90) days of the issuance of the notice of noncompliance, the department's Solid Waste Management Program director will provide a written decision. The Solid Waste Management Program director may consult with the Solid Waste Advisory Board prior to providing this decision. Such decision of the program director shall be final unless a request for review is submitted to the Division of Environmental Quality director within thirty (30) days of the receipt of the program director's decision. The division director shall provide a final decision within thirty (30) days of the receipt of the district's request. A decision by the division director shall constitute final department action. Such request shall include:

(A) A copy of the program director's written decision;

(B) A statement of the amount in dispute;

(C) A brief description of the issue(s) involved; and

(D) A concise statement of the objections to the final decision.

AUTHORITY: sections 260.225, RSMo 2000 and 260.335, RSMo [Supp. 1999] Supp. 2006. Emergency rule filed Dec. 2, 1992, effective Dec. 12, 1992, expired April 11, 1993. Original rule filed Dec. 2, 1992, effective Aug. 9, 1993. Amended: Filed Dec. 14, 1999, effective Aug. 30, 2000. Amended: Filed Jan. 5, 2007.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimated eight thousand two hundred ninety-seven dollars (\$8,297) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 1:00 p.m. on April 3, 2007. The public hearing will be held at the Department of Natural Resources Conference Center in the Bennett Springs Conference Room, located at 1738 East Elm Street (rear), Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested persons. Also, any interested person may submit a written statement in support of or in opposition to this proposed amendment until 5:00 p.m. May 3, 2007. Written statements should be sent to Mr. Dennis Hansen, Department of Natural Resources, Solid Waste Management Program, PO Box 176, Jefferson City MO 65102-0176.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-5401 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Title 10 – Department of Natural Resources

Division 80 – Solid Waste Management Program

Chapter 9 – Solid Waste Management Fund

Proposed Amendment – 10 CSR 80-9.050 Solid Waste Management Fund-District Grants.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri's Solid Waste Management Districts (SWMD)	\$ 6,348.85
Department of Natural Resources	\$ 1,948.00
Total Annual Cost of Compliance For the Life of the Rule	
	\$ 8,296.85

III. WORKSHEET

The figures below represent the expense and equipment costs for Districts

CLASSIFICATION	Number of Units	Unit Cost	Number in Class	AGGREGATE COST
Paper	5	\$.005	20	\$ 0.50
Printing	9	\$.0275	20	\$ 4.95
Envelope	1	\$ 1.00	20	\$ 20.00
Postage	1	\$ 1.17	20	\$ 23.40
Total expense and equipment costs for Districts				\$ 48.85

The figures below represent the personal service costs for SWMD's and the Department of Natural Resources

STAFF	AVERAGE HOURLY SALARY INCLUDING FRINGE	AVERAGE NUMBER OF HOURS NEEDED TO COMPLETE REPORT	COST PER REPORT	NUMBER IN CLASS	TOTAL COST
District Planner	\$ 35.00	9	\$ 315.00	20	\$ 6,300.00
Department of Natural Resources Planner II	\$ 24.35	4	\$ 97.40	20	\$ 1,948.00

IV. ASSUMPTIONS

1. Missouri's twenty Solid Waste Management Districts (SWMDs) provided an annual report for fiscal year 2006. Each SWMD is independent and therefore costs associated with salary and expenses vary from district to district.
2. Each SWMD was contacted and asked for hourly rates of employees who developed the annual report along with the number of hours spent on developing the report.

3. Each SWMD employee's hourly salary was multiplied by 38.9 percent, the current rate used by the Division of Environmental Quality for fringe benefits. Total personal service cost was based on salary plus fringe, multiplied by the number of hours required to complete the annual report. Some districts provided a total cost for development of the annual report. In these cases the cost associated with expenses and equipment such as paper, envelopes, postage and printing costs were subtracted to determine the personal service cost. Not all districts responded to the request. Therefore average costs were established based on the total cost divided by the number of districts that responded.

4. The SWMD expenses and equipment were determined by reviewing each of the annual reports. The number of sheets of paper were counted for each report as well as the number of printed pages. Costs for paper, printing, envelopes and postage were then determined for all districts that reported. Average costs were established by dividing the totals by the number of districts that responded. Average costs were then multiplied by 20 to get the aggregate costs for all districts.

5. The Solid Waste Management Program's Resource Planning Section will review and process the annual reports. Staff will perform the following duties:

Planner II – Review and process annual reports, enter annual report data into database, develop and prepare a statewide report for review. (4 hours for each annual report).

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

PROPOSED AMENDMENT

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services. The division is adding subparagraph (4)(A)1.I.

PURPOSE: This amendment outlines how the Fiscal Year 2007 trend factor will be applied to adjust per diem rates for ICF/MRs participating in the Medicaid program.

(4) Prospective Reimbursement Rate Computation.

(A) Except in accordance with other provisions of this rule, the provisions of this section shall apply to all providers of ICF/MR services certified to participate in Missouri's Medicaid program.

1. ICF/MR facilities.

A. Except in accordance with other provisions of this rule, the Missouri Medical Assistance Program shall reimburse providers of these LTC services based on the individual Medicaid-recipient days of care multiplied by the Title XIX prospective per diem rate less any payments collected from recipients. The Title XIX prospective per diem reimbursement rate for the remainder of state Fiscal Year 1987 shall be the facility's per diem reimbursement payment rate in effect on October 31, 1986, as adjusted by updating the facility's allowable base year to its 1985 fiscal year. Each facility's per diem costs as reported on its Fiscal Year 1985 Title XIX cost report will be determined in accordance with the principles set forth in this rule. If a facility has not filed a 1985 fiscal year cost report, the most current cost report on file with the department will be used to set its per diem rate. Facilities with less than a full twelve (12)-month 1985 fiscal year will not have their base year rates updated.

B. For state FY-88 and dates of service beginning July 1, 1987, the negotiated trend factor shall be equal to two percent (2%) to be applied in the following manner: Two percent (2%) of the average per diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1987, shall be added to each facility's rate.

C. For state FY-89 and dates of service beginning January 1, 1989, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1988 shall be added to each facility's rate.

D. For state FY-91 and dates of service beginning July 1, 1990, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per diem rate paid to both state- and nonstate-operated ICF/MR facilities on June 1, 1990, shall be added to each facility's rate.

E. FY-96 negotiated trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per diem rates effective for dates of service beginning January 1, 1996, of six dollars and seven cents (\$6.07) per patient day for the negotiated trend factor. This adjustment is equal to four and six-tenths percent (4.6%) of the weighted average per diem rates paid to nonstate-operated ICF/MR facilities on June 1, 1995, of one hundred and thirty-one dollars and ninety-three cents (\$131.93).

F. State FY-99 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 1998, of four dollars and forty-seven cents (\$4.47) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF/MR facilities on June 30, 1998, of one hundred forty-eight dollars and ninety-nine cents (\$148.99).

G. State FY-2000 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 1999, of four dollars and sixty-three cents (\$4.63) per patient day for the trend factor. This adjustment

is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF/MR facilities on April 30, 1999, of one hundred fifty-four dollars and forty-three cents (\$154.43). This increase shall only be used for increases for the salaries and fringe benefits for direct care staff and their immediate supervisors.

H. State FY-2001 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 2000, of four dollars and eighty-one cents (\$4.81) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF/MR facilities on April 30, 2000, of one hundred sixty dollars and twenty-three cents (\$160.23). This increase shall only be used for increases for salaries and fringe benefits for direct care staff and their immediate supervisors.

I. State FY-2007 trend factor. All nonstate-operated ICF/MR facilities shall be granted an increase of seven percent (7%) to their per diem rates effective for dates of service billed for state Fiscal Year 2007. This adjustment is equal to seven percent (7%) of the per diem rate paid to nonstate-operated ICF/MR facilities on June 30, 2006.

2. Adjustments to rates. The prospectively determined reimbursement rate may be adjusted only under the following conditions:

A. When information contained in a facility's cost report is found to be fraudulent, misrepresented or inaccurate, the facility's reimbursement rate may be reduced, both retroactively and prospectively, if the fraudulent, misrepresented or inaccurate information as originally reported resulted in establishment of a higher reimbursement rate than the facility would have received in the absence of this information. No decision by the Medicaid agency to impose a rate adjustment in the case of fraudulent, misrepresented or inaccurate information in any way shall affect the Medicaid agency's ability to impose any sanctions authorized by statute or rule. The fact that fraudulent, misrepresented or inaccurate information reported did not result in establishment of a higher reimbursement rate than the facility would have received in the absence of the information also does not affect the Medicaid agency's ability to impose any sanctions authorized by statute or rules;

B. In accordance with subsection (6)(B) of this rule, a newly constructed facility's initial reimbursement rate may be reduced if the facility's actual allowable per-diem cost for its first twelve (12) months of operation is less than its initial rate;

C. When a facility's Medicaid reimbursement rate is higher than either its private pay rate or its Medicare rate, the Medicaid rate will be reduced in accordance with subsection (2)(B) of this rule;

D. When the provider can show that it incurred higher cost due to circumstances beyond its control and the circumstances are not experienced by the nursing home or ICF/MR industry in general, the request must have a substantial cost effect. These circumstances include, but are not limited to:

(I) Acts of nature, such as fire, earthquakes and flood, that are not covered by insurance;

(II) Vandalism, civil disorder, or both; or

(III) Replacement of capital depreciable items not built into existing rates that are the result of circumstances not related to normal wear and tear or upgrading of existing system;

E. When an adjustment to a facility's rate is made in accordance with the provisions of section (6) of this rule; or

F. When an adjustment is based on an Administrative Hearing Commission or court decision.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000. This rule was previously filed as 13 CSR 40-81.083. Original rule filed Aug. 13, 1982, effective Nov. 11, 1982. For intervening history please consult the Code of State Regulations. Emergency amendment filed Jan. 24, 2007, effective Feb. 3, 2007, expires Aug. 1, 2007. Amended: Filed Jan. 16, 2007.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately three hundred eighty-nine thousand four hundred eighty-five dollars (\$389,485) for SFY 2007.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE**PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
DSS/DMS	Annual estimated cost: SFY 2007 = \$389,485

III. WORKSHEET

SFY 2007:

Estimated Paid Days: SFY 2007	31,308
x Average Rate Increase	<u>\$12.44*</u>
Total Estimated Impact: SFY 2007	<u>\$389,485</u>

IV. ASSUMPTIONS

Effective for dates of service billed for state fiscal year 2007, ICF/MR facilities Medicaid per-diem rates will be increased by seven percent (7%). The adjustment for each facility is calculated by multiplying seven percent (7%) by the per diem rate paid on June 30, 2006.

- * The average rate increase was computed. The estimated impact was determined by adding the impact for each facility which was determined by multiplying the estimated days for each facility by each facility's specific rate increase that reflected a seven percent (7%) increase.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.031 List of Excludable Drugs for Which Prior Authorization is Required. The division is amending section (3).

PURPOSE: This amendment updates the Division of Medical Services website address and the incorporated material.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(3) List of drugs or categories of excludable drugs which are restricted to require prior authorization for certain specified indications shall be made available through the Department of Social Services, Division of Medical Services website at [www.dss.state.mo.us/dms] www.dss.mo.gov/dms, provider bulletins, and [updates] updates to the provider manual which are incorporated by reference and made a part of this rule as published by the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109, at its website, February 15, 2007. This rule does not incorporate any subsequent amendments or additions. The division reserves the right to affect changes in the list of excludable drugs for which prior authorization is required by amending this rule.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Dec. 13, 1991, effective Aug. 6, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 16, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.032 List of Drugs Excluded From Coverage Under the Missouri Medicaid Pharmacy Program. The division is amending section (2).

PURPOSE: This amendment updates the Division of Medical Services website address and the incorporated material.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) List of drugs or classes which are excluded from reimbursement through the Missouri Medicaid Pharmacy Program shall be made available through the Department of Social Services, Division of Medical Services website at [www.dss.state.mo.us/dms] www.dss.mo.gov/dms, provider bulletins, and [updates] updates to the provider manual which are incorporated by reference and made a part of this rule as published by the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109, at its website, February 15, 2007. This rule does not incorporate any subsequent amendments or additions. The division reserves the right to affect changes in the list of excluded drugs by amending this rule.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Dec. 13, 1991, effective Aug. 6, 1992. Amended: Filed June 30, 2000, effective Feb. 28, 2001. Emergency amendment filed June 7, 2002, effective July 1, 2002, expired Dec. 27, 2002. Amended: Filed June 11, 2002, effective Jan. 30, 2003. Amended: Filed Jan. 16, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program**

PROPOSED AMENDMENT

13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization Is Required. The division is amending section (2).

PURPOSE: This amendment updates the Division of Medical Services website address and the incorporated material.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more

than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) List of drugs or categories of drugs which are restricted to require prior authorization for certain specified indications shall be made available through the Department of Social Services, Division of Medical Services website at www.dss.state.mo.us/dms/ www.dss.mo.gov/dms/, provider bulletins, and *[updates]* updates to the provider manual which are incorporated by reference and made a part of this rule as published by the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109, at its website, February 15, 2007. This rule does not incorporate any subsequent amendments or additions. The division reserves the right to affect changes in prior authorization of non-excludable drugs by amending this rule.

AUTHORITY: sections 208.152, *RSMo Supp. 2006* 208.153 and 208.201, *RSMo* 2000. Emergency rule filed Nov. 21, 2000, effective Dec. 1, 2000, expired May 29, 2001. Original rule filed June 29, 2000, effective Feb. 28, 2001. Emergency amendment filed June 7, 2002, effective July 1, 2002, expired Dec. 27, 2002. Amended: Filed June 11, 2002, effective Jan. 30, 2003. Amended: Filed Jan. 16, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 20—Division of Regulation and Licensure
Chapter 20—Hospitals**

PROPOSED RULE

19 CSR 30-20.001 Anesthesiologist Assistants in Hospitals

PURPOSE: This rule allows the use of anesthesiologist assistants in hospitals.

(1) Anesthesiologist assistant—A person who meets each of the following conditions:

(A) Has graduated from an anesthesiologist assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency;

(B) Has passed the certifying examination administered by the National Commission on Certification of Anesthesiologist Assistants;

(C) Has active certification by the National Commission on Certification of Anesthesiologist Assistants;

(D) Is currently licensed as an anesthesiologist assistant in the state of Missouri; and

(E) Provides health care services delegated by a licensed anesthesiologist.

(2) Notwithstanding any other rule in this chapter, anesthesia in hospitals shall be administered only by qualified anesthesiologists, physicians or dentists trained in anesthesia, certified nurse anesthetists, anesthesiologist assistants or supervised students in an approved educational program. Notwithstanding the provisions of sections 334.400 to 334.430, *RSMo*, or the rules of the Missouri State Board of Registration for the Healing Arts, the governing body of every hospital shall have full authority to limit the functions and activities that an anesthesiologist assistant performs in such hospital. Nothing in this section shall be construed to require any hospital to hire an anesthesiologist who is not already employed as a physician prior to August 28, 2003.

AUTHORITY: sections 192.006 and 197.080, *RSMo* 2000. Original rule filed Jan. 16, 2007.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Division of Regulation and Licensure, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 30—Ambulatory Surgical Centers**

PROPOSED AMENDMENT

19 CSR 30-30.010 Definitions and Procedures for Licensing Ambulatory Surgical Centers. The department is amending the Purpose, adding subsection (1)(D) and amending subsection (1)(Q) and relettering for consistency.

PURPOSE: The amendment updates agency names in the purpose of the rule, adds a definition for anesthesiologist assistant, and adds anesthesiologist assistant to the list of qualified anesthesia personnel (1)(R), and reletters for consistency.

PURPOSE: The Division of [Health Resources] Regulation and Licensure, Department of Health and Senior Services has the authority to establish rules for ambulatory surgical centers. This rule defines specific terms and presents procedures to follow in making application for a license.

(1) Definitions.

(D) Anesthesiologist assistant. A person who meets each of the following conditions:

1. Has graduated from an anesthesiologist assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency;

2. Has passed the certifying examination administered by the National Commission on Certification of Anesthesiologist Assistants;

3. Has active certification by the National Commission on Certification of Anesthesiologist Assistants;

4. Is currently licensed as an anesthesiologist assistant in the state of Missouri; and

5. Provides health care services delegated by a licensed anesthesiologist.

[(D)] (E) Certified nurse anesthetist. A registered nurse licensed under Chapter 335, RSMo, who has been graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor, and is certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists.

[(E)] (F) Dentist means a person licensed to practice dentistry pursuant to Chapter 332, RSMo.

[(F)] (G) Department means the Department of Health and Senior Services.

[(G)] (H) Governing body means an individual owner, partnership, corporation or other legally established authority in whom the ultimate authority and responsibility for management of the ambulatory surgical center is vested.

[(H)] (I) Governmental unit means any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state.

[(I)] (J) Infection control officer. An individual who is a licensed physician, licensed registered nurse, has a bachelor's degree in laboratory science, or has similar qualifications and has additional training or educational preparation in infection control, infectious diseases, epidemiology and principles of quality improvement.

[(J)] (K) Licensed practical nurse (LPN). A person who holds a valid license issued by the State Board of Nursing pursuant to Chapter 335, RSMo.

[(K)] (L) Medical staff. A formal organization of physicians which may include dentists and podiatrists who are appointed by the governing body to attend patients within the ambulatory surgical center.

[(L)] (M) Patient. A person admitted to the ambulatory surgical center by and upon the order of a physician, or dentist, or podiatrist in accordance with the orders of a physician.

[(M)] (N) Person. Any individual, firm, partnership, corporation, company or association, or the legal successors of any of them.

[(N)] (O) Physician means a person licensed to practice medicine pursuant to Chapter 334, RSMo and who has active or associate staff membership and privileges in a licensed hospital in the community.

[(O)] (P) Physician with training or experience in the administration of anesthetics. A person licensed to practice medicine under Chapter 334, RSMo whose training and experience (credentials) have been evaluated by the medical staff and privileges granted to direct the anesthesia service or to administer anesthetics or both.

[(P)] (Q) Podiatrist means a person licensed to practice podiatry pursuant to Chapter 330, RSMo.

[(Q)] (R) Qualified anesthesia personnel. An anesthesiologist who is a physician with training or experience in the administering of anesthetics, *or* a certified registered nurse anesthetist **or an anesthesiologist assistant**.

[(R)] (S) Registered nurse (RN). A person who holds a valid license issued by the State Board of Nursing pursuant to Chapter 335, RSMo.

[(S)] (T) Root cause analysis. A process for identifying the basic or causal factor(s) that underlie variation in performance, including the occurrence or possible occurrence of a sentinel event.

[(T)] (U) Sentinel event. An unexpected occurrence involving death or serious physical or psychological injury, or the risk thereof. Serious injury specifically includes loss of limb or function. The phrase "or the risk thereof" includes any process variation for which a reoccurrence would carry a significant chance of a serious adverse outcome.

AUTHORITY: section 197.225, RSMo 2000 and 197.154, RSMo Supp. [2005] 2006. This rule was previously filed as 13 CSR 50-30.010. Original rule filed Dec. 2, 1975, effective Feb. 1, 1976. Amended: Filed Jan. 3, 1990, effective April 12, 1990. Amended: Filed Sept. 20, 2005, effective April 30, 2006. Amended: Filed Jan. 16, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Regulation and Licensure, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 30—Ambulatory Surgical Centers**

PROPOSED AMENDMENT

19 CSR 30-30.020 Administration Standards for Ambulatory Surgical Centers. The department proposes to amend the purpose and paragraph (1)(E)6.

PURPOSE: This amendment updates agency names in the purpose of the rule and sets forth requirements regarding administration of anesthesia by anesthesiologist assistants.

PURPOSE: The Division of [Health Resources] Regulation and Licensure, Department of Health and Senior Services has the authority to establish standards for the operation of ambulatory surgical centers. This rule provides standards for the administration, medical staff, nursing staff and supporting services to ensure high quality services to users of ambulatory surgical centers.

(1) Organization, Administration, Medical Staff, Nursing Staff and Supporting Services.

(E) Anesthesia Service.

1. The anesthesia service shall be under the direction of an anesthesiologist or a physician with training or experience in the administration of anesthetics. The clinical privileges of qualified anesthesia personnel shall be reviewed by the director of anesthesia service and the medical staff and approved by the governing body.

2. An anesthesiologist or physician with training or experience in the administration of anesthetics shall be on the premises and readily accessible during the administration of anesthetics—whether local, general or intravenous sedation—and the postanesthetic recovery period until all patients are alert or medically discharged. Qualified anesthesia personnel shall be present in the room throughout the conduct of all general anesthetics, regional anesthetics and monitored anesthesia care and shall continually evaluate the patient's oxygenation, ventilation, circulation and temperature. Oxygen analyzers, pulse oximeter and electrocardiography equipment shall be available.

3. Policies and procedures on the administration of anesthetics and drugs which produce conscious and deep sedation shall be developed by the medical staff in consultation with at least one (1) anesthesiologist and approved by the governing body.

4. Prior to undergoing general anesthesia, patients shall have a history and physical examination by a physician on the patient's record including the results of any necessary laboratory examinations. Each administration of a regional, general or intravenous sedation anesthetic shall be ordered by an anesthesiologist or a physician with training and experience in the administration of anesthetics. The patient records shall contain a preanesthetic evaluation and a postanesthetic note by qualified anesthesia personnel.

5. Periodic inspections shall be made of all areas where flammable anesthetics are administered or stored to insure safeguards are being observed by personnel and equipment meets safety standards. A written record of inspections shall be kept. If the administration of the facility provides written assurance to the Department of Health and Senior Services that no flammable anesthetics will be administered and the area is posted to that effect, safety inspections will not be required.

6. All anesthetics shall be administered by anesthesiologists, physicians with training or experience in the administration of anesthetics, [or] certified registered nurse anesthetists or anesthesiologist assistants, except for local anesthetic agents which may be administered by the attending physician, dentist or podiatrist. Notwithstanding the provisions of sections 334.400 to 334.430, RSMo, or the rules of the Missouri State Board of Registration for the Healing Arts, the governing body of every ambulatory surgical center shall have full authority to limit the functions and activities that an anesthesiologist assistant performs in such ambulatory surgical center. Nothing in this paragraph shall be construed to require any ambulatory surgical center to hire an anesthesiologist who is not already employed as a physician prior to August 28, 2003.

7. Written procedures and criteria for discharge from the recovery service shall be approved by the medical staff.

8. There shall be a mechanism for the review and evaluation on a regular basis of the quality and scope of anesthesia services.

AUTHORITY: section 197.225, RSMo 2000 and 197.154, RSMo Supp. [2005] 2006. This rule was previously filed as 13 CSR 50-30.020. Original rule filed Dec. 2, 1975, effective Feb. 1, 1976. Amended: Filed June 14, 1988, effective Oct. 13, 1988. Amended: Filed Jan. 3, 1990, effective April 12, 1990. Amended: Filed Sept. 20, 2005, effective April 30, 2006. Amended: Filed Jan. 16, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Regulation and Licensure, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of [Health Standards] Regulation and Licensure

Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

PROPOSED AMENDMENT

19 CSR 30-40.410 Definitions and Abbreviations Relating to Trauma Centers. The division is adding subsection (1)(B) and relettering for consistency.

PURPOSE: This amendment adds a definition for anesthesiologist assistant.

(1) The following definitions and abbreviations shall be used in the interpretation of the rules in 19 CSR 30-40.400 to 19 CSR 30-40.450:

(B) Anesthesiologist assistant (AA) means a person who meets each of the following conditions:

1. Has graduated from an anesthesiologist assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency;

2. Has passed the certifying examination administered by the National Commission on Certification of Anesthesiologist Assistants;

3. Has active certification by the National Commission on Certification of Anesthesiologist Assistants;

4. Is currently licensed as an anesthesiologist assistant in the state of Missouri; and

5. Provides health care services delegated by a licensed anesthesiologist.

[[B)] (C) ATLS course means the advanced trauma life support course approved by the American College of Surgeons when required, certification shall be maintained;

[[C)] (D) Bureau of EMS means the Missouri Department of Health/s/ and Senior Services' Bureau of Emergency Medical Services;

[[D)] (E) Board-admissible means that a physician has applied to a specialty board and has received a ruling that s/he has fulfilled the requirements to take the examinations. Board certification must be obtained within five (5) years of the first appointment;

[[E)] (F) Board-certified means that a physician has fulfilled all requirements, has satisfactorily completed the written and oral examinations, and has been awarded a board diploma in a specialty field;

[[F)] (G) Certified registered nurse anesthetist (CRNA) means a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and who has been certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists;

[[G)] (H) CME means continuing medical education and refers to the highest level of continuing education approved by the Missouri State Medical Association, the Missouri Association of Osteopathic Physicians and Surgeons, The American Osteopathic Association or the Accreditation Council for Continuing Medical Education;

[[H)] (I) Continuing nursing education means education approved or recognized by a national nurses' organization and/or trauma medical director;

[[I)] (J) Credentialed or credentialing is a hospital-specific system of documenting and recognizing the qualifications of medical staff and nurses and authorizing the performance of certain procedures in the hospital setting;

[[J)] (K) Glasgow coma scale is a scoring system for assessing a patient's level of consciousness utilizing a point system which measures eye opening, verbal response and motor response. The higher the total score, the better the patient's neurological status;

[[K)] (L) Immediately available (IA) means being present at the time of the patient's arrival at the hospital when prior notification is possible and no more than twenty (20) minutes from the hospital under normal driving and weather conditions;

[[L)] (M) In-house (IH) means being on the hospital premises twenty-four (24) hours a day;

[[M)] (N) Major pediatric trauma case means a patient fifteen (15) years of age or under with a revised trauma score of 11 or less;

[(N)] (O) Major trauma case is a patient with an injury severity score of more than fifteen (15), using the scoring method described in the article "The Injury Severity Score," pages 187–196 of *The Journal of Trauma*, Vol. 14, No. 3, 1974;

[(O)] (P) Major trauma patient means a trauma patient with cardiopulmonary arrest, unstable blunt or penetrating chest or abdominal injury, airway compromise, systolic blood pressure less than ninety (90) millimeters of mercury, pulse less than sixty (60) or greater than one hundred (100) per minute with clinical signs of shock, severe neurological injuries or signs of deteriorating neurological status, or prolonged loss of consciousness;

[(P)] (Q) Missouri trauma registry is a statewide data collection system to compile and maintain statistics on mortality and morbidity of trauma victims, using a reporting form provided by the Missouri Department of Health and Senior Services;

[(Q)] (R) Multidisciplinary trauma conference means a meeting of members of the trauma team and other appropriate hospital personnel to review the care of trauma patients at the hospital;

[(R)] (S) PALS means pediatric advanced life support, a course of training available through the American Heart Association when required, certification shall be maintained;

[(S)] (T) Physician advisory group is two (2) or more physicians who collectively assume the role of a medical advisor;

[(T)] (U) Promptly available (PA) means arrival at the hospital within thirty (30) minutes after notification of a patient's arrival at the hospital;

[(U)] (V) R is a symbol to indicate that a standard is a requirement for trauma center designation at a particular level;

[(V)] (W) Revised trauma score (RTS) is a numerical methodology for categorizing the physiological status of trauma patients;

[(W)] (X) Review is the inspection of hospitals to determine compliance with the rules of this chapter. There are four (4) types of reviews: the initial review of hospitals never before designated as trauma centers or hospitals never before reviewed for compliance with the rules of this chapter or hospitals applying for a new level of trauma center designation; the verification review to evaluate the correction of any deficiencies noted in a previous review; and the validation review, which shall occur every five (5) years to assure continued compliance with the rules of this chapter, and a focus review to allow review of substantial deficiencies by a review team;

[(X)] (Y) Senior resident is a physician in at least the third post-graduate year of study;

[(Y)] (Z) Severely injured patient is an injured patient with a glasgow coma score less than thirteen (13) or a systolic blood pressure less than ninety (90) millimeters of mercury or respirations less than ten (10) per minute or more than twenty-nine (29) per minute;

[(Z)] (AA) Surgical trauma call roster is a hospital-specific list of surgeons assigned to trauma care, including date(s) of coverage and back-up surgeons;

[(AA)] (BB) Trauma center is a hospital that has been designated in accordance with the rules in this chapter to provide systematized medical and nursing care to trauma patients. Level I is the highest level of designation, usually representing a large urban hospital with a university affiliation. Level II is the next highest level of designation and is usually a large community hospital dealing with large volumes of serious trauma in a geographic area lacking a hospital with resources of Level I. Level III is the next level and usually represents a small rural hospital with a commitment to trauma care that is commensurate with limited resources;

[(BB)] (CC) Trauma medical director is a surgeon designated by the hospital who is responsible for the trauma service and quality assurance programs related to trauma care;

[(CC)] (DD) Trauma nurse coordinator is a registered nurse designated by the hospital with responsibility for monitoring and evaluating the nursing care of trauma patients and the coordination of quality assurance programs for the trauma center;

[(DD)] (EE) Trauma nursing course is an education program in nursing care of trauma patients;

[(EE)] (FF) Trauma service is an organizational component of the hospital specializing in the care of injured patients;

[(FF)] (GG) Trauma team is a team consisting of the emergency physician, physicians on the surgical trauma call roster, appropriate anesthesiology staff, nursing and other support staff as needed;

[(GG)] (HH) Trauma team activation protocol is a hospital document outlining the criteria used to identify major trauma patients and the procedures for notification of trauma team members and indicating surgical and non-surgical specialty response times acceptable for treating major trauma patients; and

[(HH)] (II) Trauma triage is an estimation of injury severity at the scene of an accident.

AUTHORITY: sections 190.185, RSMo Supp. 2006 and 190.241, RSMo [Supp. 1998] 2000. Emergency rule filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. Amended: Filed Jan. 16, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Regulation and Licensure, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of [Health Standards] Regulation and Licensure

Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

PROPOSED AMENDMENT

19 CSR 30-40.430 Standards for Trauma Center Designation.
The division is amending subsection (2)(D).

PURPOSE: This amendment sets forth requirements regarding the administration of anesthesia by anesthesiologist assistants in trauma centers.

[PUBLISHER'S] EDITOR'S NOTE: I-R, II-R or III-R after a standard indicates a requirement for level I, II or III trauma center[s] respectively. I-IH, II-IH or III-IH after a standard indicates an in-house requirement for level I, II or III trauma center[s] respectively. I-IA, II-IA or III-IA indicates an immediately available requirement for level I, II or III trauma center[s] respectively. I-PA, II-PA or III-PA indicates a promptly available requirement for level I, II or III trauma center[s] respectively.

(2) Hospital Organization Standards for Trauma Center Designation.

(D) The following specialists who are credentialed by the hospital for trauma care shall be available to the patient as indicated:

1. General surgery—I-IH, II-IA, III-PA.

A. The general surgery staffing requirement may be fulfilled by senior residents credentialed in general surgery, including trauma care, and capable of assessing emergent situations in general surgery.

B. The trauma surgeon shall be immediately available and be in attendance with the patient when a senior surgical resident is fulfilling availability requirements;

2. Neurologic surgery—I-IH, II-IA.

A. The neurologic surgery staffing requirement may be fulfilled by a surgeon who has been approved by the chief of neurosurgery for care of patients with neural trauma.

B. The surgeon shall be capable of initiating measures toward stabilizing the patient and performing diagnostic procedures.

3. Cardiac surgery—I-PA;

4. Obstetric-gynecologic surgery—I-PA, II-PA;

5. Ophthalmic surgery—I-PA, II-PA;

6. Orthopedic surgery—I-PA, II-PA;

7. Otorhinolaryngologic surgery—I-PA, II-PA;

8. Pediatric surgery—I-PA;

9. Plastic and maxillofacial surgery—I-PA, II-PA;

10. Thoracic surgery—I-PA, II-PA;

11. Urologic surgery—I-PA, II-PA;

12. Emergency medicine—I-IH, II-IH, III-IH;

13. Anesthesiology—I-IH, II-IA, III-PA.

A. In a level I or II trauma center, anesthesiology staffing requirements may be fulfilled by anesthesiology residents **or anesthesiologist assistants (AA)** capable of assessing emergent situations in trauma patients and of providing any indicated treatment. When **either** anesthesiology residents **or anesthesiologist assistants** are used to fulfill availability requirements, the staff anesthesiologist on call will be advised and promptly available.

B. In a level II trauma center, anesthesiology staffing requirements may be fulfilled when the staff anesthesiologist is promptly available and **either** an in-house certified registered nurse anesthetist (CRNA) **or an anesthesiologist assistant is available. In addition, the CRNA or the AA must be** capable of assessing emergent situations in trauma patients and of initiating and providing any indicated treatment *[is available]*.

C. In a level III trauma center, anesthesiology requirements may be fulfilled by **either** a CRNA with physician supervision **or an anesthesiologist assistant with anesthesiologist supervision;**

14. Cardiology—I-PA, II-PA;

15. Chest medicine—I-PA;

16. Gastroenterology—I-PA;

17. Hematology—I-PA, II-PA;

18. Infectious diseases—I-PA;

19. Internal medicine—I-PA, II-PA, III-PA;

20. Nephrology—I-PA, II-PA;

21. Pathology—I-PA, II-PA;

22. Pediatrics—I-PA, II-PA;

23. Psychiatry—I-PA, II-PA; and

24. Radiology—I-PA, II-PA.

AUTHORITY: sections 190.185, **RSMo Supp. 2006** and 190.241, **RSMo [Supp. 1998] 2000**. Emergency rule filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. Amended: Filed Jan. 16, 2007.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Regulation and Licensure, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received

within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 37—Number Pooling and Number Conservation Efforts

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-37.010 General Provisions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1758). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The written public comment period ended December 4, 2006 as the commission held the record open until the conclusion of the public hearing, and the commission held a public hearing on this proposed rule on December 4, 2006. Natelle Dietrich of the commission's staff filed comments and testified at the public hearing generally in support of the rule. Counsel from the Office of the Public Counsel filed comments and testified at the public hearing generally in support of the rule.

RESPONSE: No changes have been made to the rule as a result of the general comments.

COMMENT: The Small Telephone Company Group, through counsel, filed comments and testified at the public hearing recommending that the commission add language to both sections of the proposed rule to clarify that small rural carriers that have not yet received requests for local number portability are exempt from the provisions of this rule.

RESPONSE: The commission will not modify the proposed rule. The commission acknowledges the exemption applies to small rural carriers that have not yet received requests for local number portability, but addresses this exemption by making a modification to proposed rule 4 CSR 240-37.020(6).

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 37—Number Pooling and Number Conservation Efforts

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-37.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1758-1759). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The written public comment period ended December 4, 2006 as the commission held the record open until the conclusion of the public hearing, and the commission held a public hearing on this proposed rule on December 4, 2006. The commission received six (6) written comments pertaining to this rule and several of those commenters testified at the public hearing. Natelle Dietrich of the commission's staff filed comments and testified at the public hearing generally in support of the rule. Counsel from the Office of the Public Counsel filed comments and testified at the public hearing generally in support of the rule. Craig Johnson on behalf of the Missouri Independent Telephone Group filed comments generally opposed to the rule because until competition exists in MITG exchanges, number conservation methods cannot be utilized. Wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation filed comments generally opposed to the rule because the commission lacks jurisdiction to adopt the proposed rules and the proposed rules conflict with the federal regulatory framework or impose unnecessary and problematic obligations that interfere with the commission's goals.

RESPONSE: No changes have been made to the rule as a result of the general comments. The commission's authority to promulgate the rule, in addition to its general authority under section 386.250(2), RSMo 2000 to supervise telecommunications companies, is supported by a series of decisions by the Federal Communications Commission (FCC) granting to the Missouri Public Service Commission the authority to implement mandatory thousands-block number pooling and other number conservation efforts in all parts of the state. In its Order in CC Docket 99-200 adopted July 20, 2000, the Federal Communications Commission stated that "[n]umbering resource optimization measures are necessary to address the considerable burdens imposed on society by the inefficient use of numbers; thus, we have enlisted the state regulatory commissions to assist the FCC in these efforts by delegating significant authority to them to

implement certain measures within their local jurisdictions.” Order at 7, para. 10. The delegations of authority include most recently the Order and Fifth Further Notice of Proposed Rulemaking adopted February 17, 2006 in *In the Matter of Numbering Resource Optimization and Petition of the Missouri Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 99-200 (FCC 06-14), where the FCC granted this commission authority to implement mandatory thousands-block number pooling in the 417, 573, 636 and 660 NPAs. The Federal Communications Commission had previously delegated similar authority to this commission for the other area codes in Missouri. Section 386.210(2) provides that the commission may “act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof,” and thus the commission has additional authority under this statutory section to carry out the FCC’s directives.

COMMENT: Wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation through counsel filed comments requesting that the commission modify the definition of “carrier” at section 4 CSR 240-37.020(2) to clarify what entities are subject to the rule.

RESPONSE: This modification was made before the initial proposed rule was submitted, and it appears the comment pertains to an earlier draft. As the comment has already been addressed, the commission will not modify the definition.

COMMENT: Michael Dandino on behalf of the Office of Public Counsel, Craig Johnson on behalf of the Missouri Independent Telephone Group, W.R. England III and Brian McCartney on behalf of the Small Telephone Company Group, and Natelle Dietrich on behalf of the staff of the commission all filed written comments and testified at the public hearing regarding a modification of the definition of “exempt carrier” at section 4 CSR 240-37.020(6). The Missouri Independent Telephone Group and the Small Telephone Company Group recommended that the commission modify the definition to include or mirror the definition of exempt carrier created by the Federal Communications Commission. The Public Counsel also expressed concern that the rule as proposed could subject telephone customers in areas with no competition to fund Local Number Portability or number pooling that may be unneeded in the absence of competition. Ms. Dietrich on behalf of the commission’s staff stated that the Federal Communications Commission draws a distinction between exemptions for LNP and exemptions for pooling. Ms. Dietrich agreed that the Federal Communications Commission does not expect telecommunications carriers that are not capable of providing local number portability to provide local number portability solely to accommodate number pooling. She indicated that the Federal Communications Commission determined that it is reasonable to require local number portability only in areas where competition dictates its demand. In an effort to not impede competition, Ms. Dietrich recommended that carriers with both hardware and software technical capability be required to implement number pooling. At the public hearing, commenters extensively discussed compensation for transporting calls, and Ms. Dietrich testified that compensation for transporting calls from a rural carrier to a wireless switch remains an issue regardless of whether pooling is required as a result of the commission’s proposed rule or local number portability obligations resulting from a bona fide request. Mr. England on behalf of the Small Telephone Company Group expressed concerns over potential loss of waiver or suspension rights.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with its staff that competition should not be impeded but does not want to require rural carriers to participate in number pooling if the numbers to be pooled will not be utilized by another carrier in the near future. The commission will modify the definition to require carriers to implement number pooling in the same time frame as the Federal Communications Commission’s local number portability

requirements. The commission will also add a definition of Tier III CMRS provider to clarify a term used in the revised definition of “exempt carrier.” The commission clarifies that rural carriers will not be required to pay transport for any numbers assigned from their rate center pool until such time as an interconnection agreement or some sort of compensation arrangement is in place. Nothing in this rule prevents carriers from seeking waivers or suspensions.

COMMENT: Robert Gryzmala on behalf of AT&T Missouri filed comments and testified at hearing requesting that the commission modify the definition of ‘FCC Form U1’ at section 4 CSR 240-37.020(8) to substitute the word “reported” in lieu of the word “current” to more accurately reflect the nature of the forms. At the public hearing, Larry Dority on behalf of CenturyTel joined in AT&T Missouri’s comments and the commission staff agreed as well.

RESPONSE AND EXPLANATION OF CHANGE: AT&T Missouri’s request is reasonable and in keeping with Federal Communications Rule pertaining to the form, and the commission will modify the definition.

COMMENT: Robert Gryzmala on behalf of AT&T Missouri filed comments and testified at hearing requesting that the commission modify the definition of “North American Numbering Plan Administrator” at section 4 CSR 240-37.020(14) to substitute the word “plan” for the word “plans” because there is only one North American Numbering dialing plan. At the public hearing, Larry Dority on behalf of CenturyTel joined in AT&T Missouri’s comments, and the commission staff agreed as well.

RESPONSE AND EXPLANATION OF CHANGE: AT&T Missouri’s request is reasonable and accurate, and the commission will modify the definition.

4 CSR 240-37.020 Definitions

(6) Exempt carriers are rural telephone companies and Tier III CMRS providers that have not received a specific request for the provision of local number portability from another carrier. A carrier is no longer an exempt carrier once it has received a bona fide request and the specified federal guidelines of either thirty (30), sixty (60), or one hundred eighty (180) days have elapsed.

(8) FCC Form U1 of Form 502 indicates a carrier’s reported numbering resource utilization level.

(14) North American Numbering Plan Administrator is responsible for coordination and administration of the North American Numbering dialing plan.

(24) Tier III CMRS provider is a non-nationwide Commercial Mobile Radio Service provider with no more than five hundred thousand (500,000) subscribers as of the end of 2001.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 37—Number Pooling and Number Conservation Efforts

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-37.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1759-1762). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The written public comment period ended December 4, 2006 as the commission held the record open until the conclusion of the public hearing, and the commission held a public hearing on this proposed rule on December 4, 2006. The commission received written comments pertaining to this rule and several of those commenters testified at the public hearing. Natelle Dietrich of the commission's staff filed comments and testified at the public hearing generally in support of the rule. Counsel from the Office of the Public Counsel filed comments and testified at the public hearing generally in support of the rule. Craig Johnson on behalf of the Missouri Independent Telephone Group filed comments generally opposed to the rule because until competition exists in MITG exchanges, number conservation methods cannot be utilized. Wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation through counsel filed comments generally opposed to the rule because the commission lacks jurisdiction to adopt the proposed rules and the proposed rules conflict with the federal regulatory framework or impose unnecessary and problematic obligations that interfere with the commission's goals.

RESPONSE: No changes have been made to the rule as a result of the general comments. The commission's authority to promulgate the rule, in addition to its general authority under section 386.250(2), RSMo 2000 to supervise telecommunications companies, is supported by a series of decisions by the Federal Communications Commission (FCC) granting to the Missouri Public Service Commission the authority to implement mandatory thousands-block number pooling and other number conservation efforts in all parts of the state. In its Order in CC Docket 99-200 adopted July 20, 2000, the Federal Communications Commission stated that "[n]umbering resource optimization measures are necessary to address the considerable burdens imposed on society by the inefficient use of numbers; thus, we have enlisted the state regulatory commissions to assist the FCC in these efforts by delegating significant authority to them to implement certain measures within their local jurisdictions." Order at 7, para. 10. The delegations of authority include most recently the Order and Fifth Further Notice of Proposed Rulemaking adopted February 17, 2006 in In the Matter of Numbering Resource Optimization and Petition of the Missouri Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 99-200 (FCC 06-14), where the FCC granted this commission authority to implement mandatory thousands-block number pooling in the 417, 573, 636 and 660 three-digit Numbering Plan Area (NPAs) codes. The Federal Communications Commission had previously delegated similar authority to this commission for the other area codes in Missouri. Section 386.210(2), RSMo provides that the commission may "act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof," and thus the commission has additional authority under this statutory section to carry out the FCC's directives.

COMMENT: The Missouri Independent Telephone Group submitted comments and testified at the public hearing that as proposed, section 4 CSR 240-37.030(1) required all carriers except "exempt" carriers to implement pooling immediately. Because thousands blocks cannot be assigned outside their rate centers, if blocks with assigned numbers are pooled, companies will have to implement local number portability to accommodate those customers even though they are otherwise exempt from doing so. Thus, the Missouri Independent Telephone Group requested that the commission clarify that rural telecommunications companies have no obligation to pool or implement local number portability in advance of actual competi-

tion. The Small Telephone Company Group submitted comments and testified at the public hearing that the rule as proposed would require its members to return both contaminated and uncontaminated thousands blocks even though they could not be used in other rate centers, and local number portability would be necessary to maintain service to existing customers even as the Federal Communications Commission has said that its members are exempt from local number portability requirements until they receive a bona fide request to port numbers. Natelle Dietrich on behalf of the staff of the commission submitted comments and testified at the public hearing that the commission should modify the rule as proposed to indicate that small rural Incumbent Local Exchange Companies (ILECs) that have the technical capability to provide local number portability should only donate back uncontaminated thousands-blocks. She believes this proposal will eliminate most, if not all, costs associated with the fiscal impact of the rule and addresses the concerns raised by the Missouri Independent Telephone Group and the Small Telephone Company Group. At the public hearing, W.R. England III on behalf of the Small Telephone Company Group and Ms. Dietrich discussed the time frames required to implement local number portability and the differences between those time frames and the time frames for number pooling implementation. Ms. Dietrich indicated that local number portability could be required to be implemented in as little as thirty (30) days, while pooling implementation could take as much as six (6) months. Mr. England on behalf of the Small Telephone Company Group expressed concerns over potential loss of waiver or suspension rights.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with its staff that competition should not be impeded but does not want to require rural carriers to participate in number pooling if the numbers to be pooled will not be utilized by another carrier in the near future. The commission will modify section 4 CSR 240-37.030(1) to require exempt carriers to implement number pooling in the same time frame as the Federal Communications Commission's local number portability requirements. The commission clarifies that rural carriers will not be required to pay transport for any numbers assigned from their rate center pool until such time as an interconnection agreement or some sort of compensation arrangement is in place. Nothing in this rule prevents carriers from seeking waivers or suspensions. Carriers are encouraged to place an intercept message on the switch to notify customers that calls to numbers that have been pooled may be a toll call until such time as those calls can be completed on a local basis.

COMMENT: Robert Gryzmala on behalf of AT&T Missouri, and wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation through counsel, filed comments and Mr. Gryzmala testified at hearing regarding the reporting requirements in subsection 4 CSR 240-37.030(4)(A) that require a carrier opening an uncontaminated thousands-block prior to assigning all available telephone numbers in an opened thousands-block to file a report with the commission. AT&T Missouri indicated that this requirement exceeds the commission's delegated authority because a carrier must merely be prepared to demonstrate two (2) of the three (3) items called for by the commission's rule. AT&T Missouri stated that the company already had safeguards in place to limit assigning numbers from contaminated blocks before assigning numbers from uncontaminated blocks. AT&T Missouri also stated that that information would be voluminous. The wireless carriers indicated that this reporting requirement was unlike any required by the Federal Communications Commission and that the commission could monitor compliance by using FCC Form 502. Natelle Dietrich on behalf of the commission's staff responded that federal rules require companies that open uncontaminated blocks prior to assigning all available telephone numbers within an opened thousands-block shall submit a report to the commission explaining their reasons for that action, including a demonstration that the carrier has a verifiable need for the numbers and has exhausted all other available remedies. Ms. Dietrich recommended

that the commission modify the proposed rule to coordinate the language in section 4 CSR 240-37.030(4) and section 4 CSR 240-37.030(4)(A). At the public hearing, AT&T Missouri agreed with the commission's staff's proposed changes but recommended additional language to indicate that assignments should be made consistent with customer needs. At the public hearing, Larry Dority on behalf of CenturyTel joined in AT&T Missouri's comments.

RESPONSE AND EXPLANATION OF CHANGE: The Federal Communications Commission has directed the commission to make a finding as to whether a service provider has inappropriately assigned numbers if they are assigned from uncontaminated blocks prior to assigning all available telephone numbers within an opened thousands-block. The commission initially proposed this rule to implement this requirement. The commission will modify the rule to incorporate changes proposed by the commission's staff to clarify the reporting requirements and information the commission will consider in determining whether the assignment was inappropriate. The commission declines to add the additional language proposed by AT&T Missouri because it implies that any customer need is a justifiable reason for opening an uncontaminated thousands-block. Consistent with the Federal Communications Commission's Report and Order and Further Notice of Proposed Rulemaking (*In the Matter of Numbering Resources Optimization*, CC Docket No 99-200, released March 31, 2000), carriers are required to protect blocks of telephone numbers from contamination unless the carrier does not have an adequate supply of numbers in its inventory to meet customer needs. As the Federal Communications Commission notes, meeting a "customer need" does not include meeting requests for a specific or "vanity" number.

COMMENT: John Idoux on behalf of Embarq Missouri, Inc. submitted comments requesting that the commission state in section 4 CSR 240-37.030 that thousands-block pooling will be conducted according to guidelines established by the Alliance for Telecommunications Industry Solutions and the Industry Numbering Committee. These guidelines are documented by these administrators on the Internet.

RESPONSE: The commission agrees with the recommendation that thousands-block pooling be conducted according to these industry guidelines. However, section 536.031.4, RSMo Supp. 2005 permits an agency to incorporate by reference rules, regulations, standards and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full only if the reference fully identifies the publisher, address, and date of the material, and states that the referenced rule, regulation, standard or guideline does not include any later amendments or additions. The industry guidelines in this case are very dynamic documents and change on a regular basis, and the commission expects that companies will follow them regardless of whether the commission requires them to do so in a rule. As the commission cannot comply with section 536.031.4 by referring to these guidelines in their most current form, the commission will not incorporate this reference.

4 CSR 240-37.030 Thousands-Block Number Pooling

(1) Thousands-block number pooling for all carriers except exempt carriers shall be implemented in each Missouri rate center within thirty (30) days after the effective date of this rule unless otherwise determined by the Thousands-Block Pooling Administrator. An exempt carrier shall implement pooling no later than the implementation of local number portability implemented pursuant to the bona fide request federal guidelines of either thirty (30), sixty (60), or one hundred eighty (180) days.

(4) Unless otherwise provided by federal law, all carriers shall assign all available telephone numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thou-

sands-block (for purposes of section (4) "assignment"). This requirement shall apply to a carrier's existing numbering resources as well as any new numbering resources it obtains in the future. If a carrier is not able to assign all available numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block, the following reporting conditions apply:

(A) If the carrier opens the uncontaminated thousands-block to meet the needs of a customer that has requested multiple telephone numbers and the quantity of remaining numbers within the contaminated thousands-block is not sufficient to meet the request, no commission reporting under this section is required.

(B) If the assignment was previously approved pursuant to 4 CSR 240-37.040, no commission reporting under this section is required.

(C) If the carrier opens an uncontaminated thousands-block prior to assigning all available telephone numbers within an opened thousands-block for any purpose other than those listed in subsections (A) and (B) above, the carrier shall, within ten (10) days of opening the uncontaminated thousands-block, submit a report via the commission's Electronic Filing and Information System (EFIS). The report shall demonstrate that the assignment is reasonable, the carrier has a verifiable need for the assignment, and the carrier has exhausted all other available remedies designed to avoid wasting numbering resources (examples shall include but are not limited to a copy of the customer request detailing the specific need for telephone numbers and the reason the carrier cannot meet the specific customer request).

REVISED PRIVATE COST: *This proposed rule will not cost private entities more than one hundred twenty-one thousand eight hundred dollars (\$121,800) in the aggregate. See attached.*

FISCAL NOTE
PRIVATE ENTITY COST (Revised)

I. RULE NUMBER

Title: Missouri Department of Economic Development

Division: Missouri Public Service Commission

Chapter: Number Pooling and Number Conservation Efforts

Type of Rulemaking: Proposed

Rule Number and Name: 4 CSR 240-37.030 Thousands-block Number Pooling

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities (years 2-5):
4	Class A Local Telephone Companies	\$55,000	\$0
24	Class B Local Telephone Companies	\$0 See IV.6 below	\$0 See IV. 6 below
62	Class C Local Telephone Companies	\$14,960 See IV.6 below	\$51,840 See IV. 6 below
0	Class Interexchange Companies	\$0	\$0
	Class Other	\$0	\$0
	All entities	\$69,960	\$51,840

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are competitively classified telecommunications companies, Class Interexchange Companies are long distance providers, Class Other are any other companies receiving numbering resources from the North American Numbering Plan Administrator and the Pooling Administrator.

III. WORKSHEET

1. The proposed rule applies to all carriers operating in Missouri that have been assigned or have requested numbering resources from the North American Numbering Plan Administrator or the Thousands-block Pooling Administrator except those companies or providers that meet the definition of an exempt carrier in 4 CSR 240-37.020.

IV. ASSUMPTIONS

1. The life of the rule is estimated to be five years.
2. Fiscal year 2006 dollars were used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission and Federal Communications Commission rules and regulations.
5. Estimates are based on input from entities affected by the proposed rule.
6. Thirty-eight Class B and Class C entities estimated a one-time implementation cost of approximately \$1,300,000 if not exempted from the proposed rule.
 - These amounts are based on information the affected entities submitted to the Federal Communications Commission (FCC) and the Missouri Public Service Commission (MoPSC) in response to a related federal requirement.
 - In response to the information submitted to the FCC by the affected entities, the MoPSC informed the FCC that based on the same estimates, as provided to the MoPSC, the average one-time cost should have been approximately \$76,000, not \$1.3 million. The amount supported by MoPSC evidence was used to complete the fiscal analysis.
 - It was determined that all Class B entities would be exempt from the proposed rulemaking until such time as the carriers were required to participate in local number portability requirements pursuant to federal regulations. The costs discussed in this assumption will then be attributable to federal local number portability requirements, not this rulemaking.
7. One Class A entity indicated that the reporting requirements of the rule would impose labor costs of approximately \$100 per hour. Since it is not known how often the reporting requirements would be invoked it is not possible to estimate a fiscal impact.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 240—Public Service Commission

**Chapter 37—Number Pooling and Number Conservation
Efforts**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-37.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1763). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The written public comment period ended December 4, 2006 as the commission held the record open until the conclusion of the public hearing, and the commission held a public hearing on this proposed rule on December 4, 2006. The commission received written comments pertaining to this rule and several of those commenters testified at the public hearing. Natelle Dietrich of the commission's staff filed comments and testified at the public hearing generally in support of the rule. Counsel from the Office of the Public Counsel filed comments and testified at the public hearing generally in support of the rule.

RESPONSE: No changes have been made to the rule as a result of the general comments.

COMMENT: Robert Gryzmala on behalf of AT&T Missouri testified in hearing that the reporting requirement in subparagraph 4 CSR 240-37.040(1)(A)7. exceeds the scope of the commission's authority to seek information from carriers. Mr. Gryzmala also indicated that the language indicating companies should demonstrate the carrier has a verifiable need for the assignment and has exhausted all other remedies is vague and unclear. At the public hearing, Larry Dority on behalf of CenturyTel joined in AT&T Missouri's comments.

RESPONSE AND EXPLANATION OF CHANGE: The Federal Communications Commission (FCC) has directed the commission to make a finding as to whether a service provider has inappropriately assigned numbers if they are assigned from uncontaminated blocks prior to assigning all available telephone numbers within an opened thousands-block. The commission initially proposed this rule to implement this requirement. The commission will modify the rule to incorporate changes proposed by the commission's staff to clarify the reporting requirements and information the commission will consider in determining whether the assignment was inappropriate.

COMMENT: Natelle Dietrich on behalf of the staff of the commission filed comments and testified at hearing that the commission's staff supported the rule but recommended adding subsection (1)(B) to the rule to clarify that if a carrier fails to provide the information required by the rule or fails to demonstrate a verifiable need for additional number resources and that all other remedies have been exhausted, then the commission will deny the numbering request.

RESPONSE AND EXPLANATION OF CHANGE: The commission finds that the rule should be modified to incorporate its staff's suggestion because federal rules clearly require the commission to make this finding before overriding decisions of the North American Numbering Plan Administrator.

4 CSR 240-37.040 Requests for Review of the Decisions of the North American Numbering Plan Administrator or Thousands-Block Pooling Administrator

(1) A carrier that requests the commission overturn a decision of the North American Numbering Plan Administrator (NANPA) or the Thousands-Block Pooling Administrator (PA) to deny a carrier's request for additional numbering resources shall file an application with the commission.

(A) The burden is on the carrier requesting review to demonstrate that deviation from the growth numbering resource requirements is warranted; therefore, applications for growth numbering resources shall include, but not be limited to, the following:

1. A Months-to-Exhaust Worksheet that provides utilization by rate center for the preceding six (6) months and projected monthly utilization for the next twelve (12) months;

2. The carrier's current numbering resource utilization level, FCC Form U1 of Form 502, for the rate center in which it is seeking growth numbering resources;

3. A copy of the carrier's original request to NANPA or the PA, a copy of the carrier's Part 1a, a copy of the NANPA or PA response/confirmation Part 3; and

4. A demonstration that the carrier has a verifiable need for numbering resources and has exhausted all other available remedies designed to conserve numbering resources (examples include but are not limited to a copy of the customer request detailing the specific need for telephone numbers and the reason the carrier cannot meet the specific customer request).

(B) A carrier that fails to provide any items in subsection (1)(A) above or fails to demonstrate a verifiable need and exhaust all other available remedies as required by paragraph (1)(A)4. above shall be denied numbering resources.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 240—Public Service Commission

**Chapter 37—Number Pooling and Number Conservation
Efforts**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-37.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1763–1764). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The written public comment period ended December 4, 2006 as the commission held the record open until the conclusion of the public hearing, and the commission held a public hearing on this proposed rule on December 4, 2006. The commission received written comments pertaining to this rule and several of those commenters testified at the public hearing. Natelle Dietrich of the commission's staff filed comments and testified at the public hearing generally in support of the rule. Counsel from the Office of the Public Counsel filed comments and testified at the public hearing generally in support of the rule. Wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation through counsel filed comments generally opposed to the rule because the commission lacks jurisdiction to adopt the proposed rules and the proposed rules conflict with the federal regulatory framework or impose unnecessary and problematic obligations that interfere with the commission's goals.

RESPONSE: No changes have been made to the rule as a result of

the general comments. The commission's authority to promulgate the rule, in addition to its general authority under section 386.250(2), RSMo 2000 to supervise telecommunications companies, is supported by a series of decisions by the Federal Communications Commission (FCC) granting to the Missouri Public Service Commission the authority to implement mandatory thousands-block number pooling and other number conservation efforts in all parts of the state. In its Order in CC Docket 99-200 adopted July 20, 2000, the Federal Communications Commission stated that "[n]umbering resource optimization measures are necessary to address the considerable burdens imposed on society by the inefficient use of numbers; thus, we have enlisted the state regulatory commissions to assist the FCC in these efforts by delegating significant authority to them to implement certain measures within their local jurisdictions." Order at 7, para. 10. The delegations of authority include most recently the Order and Fifth Further Notice of Proposed Rulemaking adopted February 17, 2006 in *In the Matter of Numbering Resource Optimization and Petition of the Missouri Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 99-200 (FCC 06-14), where the FCC granted this commission authority to implement mandatory thousands-block number pooling in the 417, 573, 636 and 660 three digit Numbering Plan Area (NPAs) codes. The Federal Communications Commission had previously delegated similar authority to this commission for the other area codes in Missouri. Section 386.210(2), RSMo provides that the commission may "act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof," and thus the commission has additional authority under this statutory section to carry out the FCC's directives.

COMMENT: The Missouri Independent Telephone Group submitted comments and testified at the public hearing that as proposed, section 4 CSR 240-37.030(1) required all carriers except "exempt" carriers to implement pooling immediately. Similar concerns apply to the requirements of this section. Because thousands-blocks cannot be assigned outside their rate centers, if blocks with assigned numbers are pooled, companies will have to implement local number portability even though they are otherwise exempt to accommodate those customers. Thus, the Missouri Independent Telephone Group requested that the commission clarify that rural telecommunications companies have no obligation to pool or implement local number portability in advance of actual competition. The Small Telephone Company Group submitted comments and testified at the public hearing that the rule as proposed would require its members to return both contaminated and uncontaminated thousands-blocks even though they could not be used in other rate centers, and local number portability would be necessary to maintain service to existing customers even as the Federal Communications Commission has said that its members are exempt from local number portability requirements until they receive a bona fide request to port numbers. Natelle Dietrich on behalf of the staff of the commission submitted comments and testified at the public hearing that the commission should modify the rule as proposed to indicate that small rural Incumbent Local Exchange Companies (ILECs) that have the technical capability to provide local number portability should only donate back uncontaminated thousands-blocks. She believes this proposal addresses the concerns raised by the Missouri Independent Telephone Group and the Small Telephone Group.

RESPONSE: The commission does not need to make this change because the concerns raised by the commenters have been addressed by the commission in changes to 4 CSR 240-37.020 and 4 CSR 240-37.030.

COMMENT: Wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation through counsel filed comments requesting that the commission track the Federal Communications Commission's rule more closely in section 4 CSR 240-37.050(2).

RESPONSE AND EXPLANATION OF CHANGE: The commission finds that it is appropriate to modify the proposed rule to incorporate the wireless carriers' comment.

4 CSR 240-37.050 Reclamation

(2) All carriers, except exempt carriers, shall donate thousands-blocks with ten percent (10%) or less contamination to the thousands-block number pool for the rate center within which the numbering resources are assigned unless the following conditions exist:

(A) Carriers shall be allowed to retain at least one (1) thousands-block per rate center, even if the thousands-block is ten percent (10%) or less contaminated; and

(B) All carriers, except exempt carriers, shall maintain no more than a six (6)-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 37—Number Pooling and Number Conservation Efforts

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.210.2, RSMo Supp. 2006 and 386.250(2), RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-37.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2006 (31 MoReg 1764). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The written public comment period ended December 4, 2006 as the commission held the record open until the conclusion of the public hearing, and the commission held a public hearing on this proposed rule on December 4, 2006. The commission received written comments pertaining to this rule and several of those commenters testified at the public hearing. Natelle Dietrich of the commission's staff filed comments and testified at the public hearing generally in support of the rule. Counsel from the Office of the Public Counsel filed comments and testified at the public hearing generally in support of the rule. Wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation through counsel filed comments generally opposed to the rule because the commission lacks jurisdiction to adopt the proposed rules and the proposed rules conflict with the federal regulatory framework or impose unnecessary and problematic obligations that interfere with the commission's goals.

RESPONSE: No changes have been made to the rule as a result of the general comments. The commission's authority to promulgate the rule, in addition to its general authority under section 386.250(2), RSMo 2000 to supervise telecommunications companies, is supported by a series of decisions by the Federal Communications Commission (FCC) granting to the Missouri Public Service Commission the authority to implement mandatory thousands-block number pooling and other number conservation efforts in all parts of the state. In its Order in CC Docket 99-200 adopted July 20, 2000, the Federal Communications Commission stated that "[n]umbering resource optimization measures are necessary to address the considerable burdens imposed on society by the inefficient use of numbers; thus, we have enlisted the state regulatory commissions to assist the FCC in these efforts by delegating significant

authority to them to implement certain measures within their local jurisdictions.” Order at 7, para. 10. The delegations of authority include most recently the Order and Fifth Further Notice of Proposed Rulemaking adopted February 17, 2006 in In the Matter of Numbering Resource Optimization and Petition of the Missouri Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 99-200 (FCC 06-14), where the FCC granted this commission authority to implement mandatory thousands-block number pooling in the 417, 573, 636 and 660 three-digit Numbering Plan Area (NPAs) codes. The Federal Communications Commission had previously delegated similar authority to this commission for the other area codes in Missouri. Section 386.210(2), RSMo provides that the commission may “act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof,” and thus the commission has additional authority under this statutory section to carry out the FCC’s directives.

COMMENT: Robert Gryzmala on behalf of AT&T Missouri, John Idoux on behalf of Embarras Missouri, Inc., and wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation through counsel filed comments and Mr. Gryzmala testified at hearing in opposition to the proposed requirement at section 4 CSR 240-37.060(1) for carriers to notify the commission when numbering resources are assigned to indirect carriers. At the public hearing, Larry Dority on behalf of CenturyTel joined in Mr. Gryzmala’s comments. All of these commenters requested that the commission not adopt this subsection because it exceeds the Federal Communications Commission’s reporting requirements and provides no additional useful information. Embarras Missouri, Inc. also indicated that the commission also has access to this information already via the North American Numbering Plan Administrator, and the wireless carriers indicated the commission has access to similar information through FCC Form 502. AT&T Missouri also stated that it does not currently identify whether a customer is an indirect carrier when obtaining numbering resources. AT&T Missouri also indicated that the proposed reporting requirement would be unique to Missouri. AT&T Missouri indicated that AT&T Missouri already semiannually provides the information the proposed rule requires in the Numbering Resource Utilization Forecast report that are made available to the commission. Natelle Dietrich on behalf of the commission’s staff filed comments and testified at the public hearing that current reporting requires carriers to indicate when numbers have been assigned to a “customer.” She indicated that the commission does receive Numbering Resource Utilization Forecast reports, but the information is untimely and often incomplete or incorrect. The commission’s proposed rule will allow the commission to develop much broader awareness of demand for numbering resources, and the information received under the proposed rule could provide the commission with support to petition the Federal Communications Commission to expand numbering authority to carriers that do not receive numbering resources directly from Neustar. Ms. Dietrich testified that this proposed rule will allow the commission to effectively monitor the use of numbering resources in Missouri.

RESPONSE AND EXPLANATION OF CHANGE: The commission finds that the proposed rule should be modified to clarify that the reporting requirements are an exercise of the commission’s auditing authority delegated by the Federal Communications Commission. The commission already receives some of the information required in the proposed rule from some carriers, so carriers will only be required to provide information not currently available to the commission in the Numbering Resource Utilization Forecast reports. The commission encourages carriers who do not provide the information required by the proposed rule to include it in their Numbering Resource Utilization Forecast reports to limit their submissions under this rule. As the commission receives the report containing the information semiannually, the commission will modify the submission

requirement from thirty (30) days to semiannually.

COMMENT: Robert Gryzmala on behalf of AT&T Missouri, and wireless carriers T-Mobile Central LLC d/b/a T-Mobile, Verizon Wireless, Cingular Wireless and Sprint Nextel Corporation through counsel filed comments and Mr. Gryzmala testified at hearing in opposition to the proposed requirement at section 4 CSR 240-37.060(2) to provide, upon request of the commission staff, information to ensure compliance with commission and Federal Communications Commission numbering rules. The wireless carriers and AT&T Missouri requested that the commission not adopt this subsection because it is beyond the commission’s federally delegated authority and are duplicative and burdensome. Natelle Dietrich on behalf of the commission’s staff filed comments and testified at the public hearing that the Federal Communications Commission has delegated authority to state commissions to conduct “random” numbering audits, referring to 47 CFR 52.15(k) and the Third Report and Order in CC Docket No. 96-98, para. 101. The proposed rule outlines documentation to be submitted to the commission’s staff upon request in the event of an audit.

RESPONSE: The commission declines to modify this rule. The delegation of authority from the Federal Communications Commission is clear as cited by staff and requires companies to submit information not available through another source such as Numbering Resource Utilization Forecast reports.

4 CSR 240-37.060 Reporting Requirements

PURPOSE: This rule includes standards for providing documentation to assist the commission in effectuating its delegated audit authority.

(1) Consistent with the commission’s federal audit authority, a carrier that assigns or transfers a thousands-block to an indirect carrier shall submit a notice via the commission’s Electronic Filing and Information System (EFIS). The carrier’s submission need not be filed if this information is contained in a numbering resources utilization forecast report. The notice shall be submitted on a semiannual basis coinciding with the submission of a numbering resources utilization forecast report. The notice shall include:

- (A) The NPA/NXX of the thousands-block(s) assigned or transferred; and
- (B) The name of the indirect carrier receiving the thousands-block(s).

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 30—Division of Administrative and Financial Services

Chapter 345—Missouri School Improvement Program

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2006, the board rescinds a rule as follows:

5 CSR 30-345.010 General Provisions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1417). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 70—Special Education
Chapter 742—Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.900–160.925 and 161.092, RSMo Supp. 2006, the board hereby amends a rule as follows:

5 CSR 70-742.141 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Public hearings were held on September 5 and 14, 2006, in St. Louis and Jefferson City.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's services for infants and toddlers with disabilities, in accordance with Part C of the Individuals with Disabilities Education Act (IDEA), Public Law 105-17.

5 CSR 70-742.141 Individuals with Disabilities Education Act, Part C. This order of rulemaking makes changes to section (2) and amends the incorporated by reference material, *Regulations Implementing Part C of the Individuals with Disabilities Education Act*.

(2) The Missouri state plan for the Individuals with Disabilities Education Act (IDEA), Part C contains the administrative provisions for the delivery of the state's federally assisted early intervention system. The Missouri state plan for the IDEA, Part C is hereby incorporated by reference and made a part of this rule. A copy of the IDEA, Part C (revised November 2006) is published by and can be obtained from the Department of Elementary and Secondary Education, Special Education Compliance Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 160.900–160.925 and 161.092, RSMo Supp. 2006, Executive Order 94-22 of the Governor, Individuals with Disabilities Education Act 20 U.S.C. Section 1431, et seq. Original rule filed Dec. 29, 1997, effective March 30, 1998. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 5, 2007.

PUBLIC COST: This order of rulemaking will cost state agencies or political subdivisions \$28,086,184 in the aggregate for Fiscal Year 2007 assuming the life of the rule is for two (2) fiscal years based on the one (1)-year extension by the federal government to submit a new state plan.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education
Division: 70 Division of Special Education
Chapter: 742 Special Education
Type of Rulemaking: Order of Rulemaking
Rule Number and Name: 5 CSR 70-742.141 Individuals with Disabilities Education Act,
Part C

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	\$28,086,184

III. WORKSHEET

Cost estimates are based on projected expenditures from all sources during Fiscal Year 2007. Expenditures support early intervention services, training, technical assistance, and administrative costs for the First Steps system.

IV. ASSUMPTIONS

Fund 0101 Appropriation 4112	\$14,650,703
Fund 0105 Appropriation 4580	\$ 7,761,583
Fund 0859 Appropriation 3180	\$ 578,644
Fund 0788 Appropriation 2259	\$ 2,350,000
Fund 0788 Appropriation 2258	<u>\$ 2,745,254</u>
	\$28,086,184

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 1—Definitions and Organizational Structure

ORDER OF RULEMAKING

By the authority vested in the Department's Well Installation Board, under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-1.075 Disciplinary Action and Appeals
Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 16, 2006 (31 MoReg 1644-1645). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 100—Tax Credits

ORDER OF RULEMAKING

By the authority vested in the Children's Division under section 135.1150, RSMo Supp. 2006, the director adopts a rule as follows:

13 CSR 35-100.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 16, 2006 (31 MoReg 1648-1653). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services, Children's Division received no comments. However, the statute was codified at 135.1150, RSMo Supp. 2006 instead of 135.1142 as stated in SB 614, 93rd General Assembly, Second Regular Session 2006. Therefore all references to the statute must be amended in the purpose statement and section (2).

13 CSR 35-100.010 Residential Treatment Agency Tax Credit

PURPOSE: This rule describes the procedures for the implementation of section 135.1150, RSMo Supp. 2006 Residential Treatment Agency Tax Credit Act to reflect the requirements of SB 614 (2006).

(2) Definition of terms:

(A) "Certificate," a tax credit certificate issued to a taxpayer who makes an eligible monetary donation to a qualified residential treatment agency as described under section 135.1150, RSMo;

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 100—Tax Credits

ORDER OF RULEMAKING

By the authority vested in the Children's Division under section 135.630, RSMo Supp. 2006, the director adopts a rule as follows:

13 CSR 35-100.020 Pregnancy Resource Center
Tax Credit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 16, 2006 (31 MoReg 1653-1660). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services, Children's Division received no comments.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 79—Domestic Violence Shelter Tax Credit

ORDER OF RULEMAKING

By the authority vested in the Family Support Division under section 135.550, RSMo Supp. 2006, the director adopts a rule as follows:

13 CSR 40-79.010 Domestic Violence Shelter Tax
Credit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 16, 2006 (31 MoReg 1662-1669). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services, Family Support Division received no comments.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.300 Definitions for the Certificate of
Need Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1430). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.400 Letter of Intent Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1430-1431). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.410 Letter of Intent Package is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1431). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.430 Application Package is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1431-1432). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.450 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1432-1433). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received one (1) comment on this rule.

COMMENT: Thomas R. Piper, representing the Missouri Certificate of Need Program staff, commented that, in section 19 CSR 60-50.450(2), the title of the long-term care occupancy report *Quarterly Survey of Hospital and Nursing Home (or Residential Care Facility and Assisted Living) Bed Utilization* should be changed to "Six-Quarter Occupancy of Hospital and Nursing Home (or Residential Care and Assisted Living Facility) Licensed and Available Beds"; in section 19 CSR 60-50.450(2)(A), the title of this report (*Inventory of Hospital and Nursing Home Beds*) should be changed to "Six-Quarter Occupancy of Hospital and Nursing Home Licensed and Available Beds"; and in subsection 19 CSR 60-50.450(2)(B), the title of the report (*Inventory of Residential Care and Assisted Living Facility Beds*) should be changed to "Six-Quarter Occupancy of Residential Care and Assisted Living Facility Licensed and Available Beds." This correction would recognize the current names of the reports actually in use.

RESPONSE AND EXPLANATION OF CHANGE: This section was modified accordingly.

19 CSR 60-50.450 Criteria and Standards for Long-Term Care

(2) The MOR for additional LTC beds pursuant to section 197.318.1, RSMo, shall be met if the average occupancy for all licensed and available LTC beds located within the county and within fifteen (15) miles of the proposed site exceeded ninety percent (90%) during at least each of the most recent four (4) consecutive calendar quarters at the time of application filing as reported in the Division of Regulation and Licensure (DRL), Department of Health and Senior Services, Six-Quarter Occupancy of Hospital and Nursing Home (or Residential Care and Assisted Living Facility) Licensed and Available Beds Utilization and certified through a written finding by the DRL, in which case the following population-based long-term care bed need methodology for the fifteen (15)-mile radius shall be used to determine the maximum size of the need:

(A) Approval of additional intermediate care facility/skilled nursing facility (ICF/SNF) beds will be based on a service area need determined to be fifty-three (53) beds per one thousand (1,000) population age sixty-five (65) and older minus the current supply of ICF/SNF beds shown in the Six-Quarter Occupancy of Hospital and Nursing Home Licensed and Available Beds as provided by the Certificate of Need Program (CONP) which includes licensed and Certificate of Need (CON)-approved beds; and

(B) Approval of additional RCF/ALF beds will be based on a service area need determined to be sixteen (16) beds per one thousand (1,000) population age sixty-five (65) and older minus the current supply of RCF/ALF beds shown in the Six-Quarter Occupancy of Residential Care and Assisted Living Facility Licensed and Available

Beds as provided by the CONP which includes licensed and CON-approved beds.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.470 Criteria and Standards for Financial Feasibility is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1433). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.600 Certificate of Need Decisions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1433–1434). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.700 Post-Decision Activity is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15,

2006 (31 MoReg 1434). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.800 Meeting Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1434). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (committee) under section 197.320, RSMo 2000, the committee amends a rule as follows:

19 CSR 60-50.900 Administration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1434–1435). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held October 16, 2006. The committee received no comments on this rule.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 5—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.104.3, RSMo Supp. 2006 and 335.036, RSMo 2000, the board withdraws a proposed amendment as follows:

20 CSR 2150-5.100 Collaborative Practice is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1399–1400). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The board received one (1) comment from Richard D. Watters, Lashly & Baer, P.C.—submitted a comment regarding proposed amendment to subsection (4)(C) stating that the Board of Nursing does not have the authority to adopt regulations impacting, affecting or including physician assistants; nor does the Board of Nursing have the authority to include physician assistants in regulations adopted pursuant to section 334.104, RSMo. The proposed regulation is not limited to one (1) of the three (3) areas for which the legislature had authorized the Board of Nursing and the Board of Healing Arts to jointly promulgate rules; and the proposed regulation is arbitrary, capricious and unreasonable because it wrongly equates the scope of practice of advanced practice nurses to the scope of practice of physician assistants.

RESPONSE: The board voted to withdraw the proposed amendment.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1401–1402). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The board received one (1) comment from Richard D. Watters, Lashly & Baer, P.C.—submitted a comment regarding proposed amendment to subsection (4)(C) stating that the Board of Nursing does not have the authority to adopt regulations impacting, affecting or including physician assistants; nor does the Board of Nursing have the authority to include physician assistants in regulations adopted pursuant to section 334.104, RSMo. The proposed regulation is not limited to one (1) of the three (3) areas for which the legislature had authorized the Board of Nursing and the Board of Healing Arts to jointly promulgate rules; and the proposed regulation is arbitrary, capricious and unreasonable because it wrongly equates the scope of practice of advanced practice nurses to the scope of practice of physician assistants.

RESPONSE: The board voted to withdraw the proposed amendment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under section 334.735, RSMo Supp. 2006, the board withdraws a proposed amendment as follows:

**20 CSR 2150-7.135 Physician Assistant Supervision
Agreements is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1400–1401). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2200—State Board of Nursing
Chapter 4—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 334.104.3, RSMo Supp. 2006 and 335.036, RSMo 2000, the board withdraws a proposed amendment as follows:

20 CSR 2200-4.200 Collaborative Practice is withdrawn.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 25—Pesticides**

IN ADDITION

The Department of Agriculture filed a rule on August 14, 1989 and it was published in the September 1, 1989 *Missouri Register* (14 MoReg 1110–1111) and the final order of rulemaking with changes was published in the November 16, 1989 *Missouri Register* (14 MoReg 1494–1497). Section (4) was published in the *Code of State Regulations*, erroneously omitting the text changes appearing in the final order of rulemaking. The corrected subsections of section (4) are reprinted here.

2 CSR 70-25.120 Contents of Records Maintained by Certified Commercial Applicators, Certified Noncommercial Applicators and Certified Public Operators

(4) These records shall contain the following for each application site:

(G) Complete trade (manufacturer's brand) name(s) from the label(s) of the pesticide(s) used;

(H) The United States EPA registration number(s) from the label(s) of the pesticide(s) used. In lieu of recording the United States EPA registration number(s) for each pesticide use, documentation shall be maintained which provides incontrovertible correlation between each pesticide use and the United States EPA registration number(s) of the pesticide(s) used.

(I) Reasonable estimate of the amount of pesticide(s) used and, if applicable, the actual rate of application expressed in reasonable and understandable terms; and

(J) A reasonable estimate of the time, air temperature, average wind speed and direction at the site of outdoor pesticide applications, excluding applications of pesticides in general structural pest control and termite pest control within ten feet (10') of a building.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for March 26, 2007. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

01/12/07

#4024 FS: Cardiovascular Consultants, P.A.
Lee's Summit (Jackson County)
\$2,455,000, Acquire positron emission tomography/computed tomography (PET/CT) scanner

#4031 HS: Saint Louis Surgical Hospital
St. Louis (St. Louis County)
\$10,528,407, Establish nine-bed acute care hospital

#4029 FS: Missouri Cancer Associates, LLC
Columbia (Boone County)
\$1,794,293, Replace linear accelerator

#4028 RS: Rosati Apartments, LP
St. Louis (St. Louis City)
\$3,088,000, Establish 14-bed residential care facility

#4030 RS: Winghaven Manor, LLC
O'Fallon (St. Charles County)
\$2,612,834, Establish 44-bed assisted living facility

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by February 15, 2007. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A & B PROCESS SYSTEMS CORP	201 S WISCONSIN AVE	STRATFORD	WI	54484
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADECCO USA INC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
ADVANTAGE PROFESSIONAL OF PHOENIX LLC	1995 WEHRLE DR	WILLIAMSVILLE	NY	14221
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AJILON PROFESSIONAL STAFFING LLC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
AKERMAN CONSTRUCTION CO INC	2915 SH 74 SOUTH	PURCELL	OK	73080
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
AMERICAN CIVIL CONSTRUCTORS INC	4901 S WINDERMERE ST	LITTLETON	CO	80120
AMERICAN DIGITAL SYSTEMS\FIBRACOM	1725 W RENO AVE	BROKEN ARROW	OK	74012
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICAN STRUCTURES INC	105 MARKET STREET	AUDUBON	IA	50025
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANYTHING AQUATIC INC	2217 WESTCHESTER RD	LAWRENCE	KS	66049
APPLIKON BIOTECHNOLOGY INC	1180 CHESS DRIVE	FOSTER CITY	CA	94404
ARBY CONSTRUCTION COMPANY INC	19705 W LINCOLN AVE	NEW BERLIN	WI	53146
ARCHITECTURAL WALL SYSTEMS CO	3000 30TH ST	DES MOINES	IA	50310
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARKA TEX REMODELING INC	8100 COLONEL GLENN RD	LITTLE ROCK	AR	72204
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARMAND RESOURCE GROUP INC	107 MUNN AVE	TEANECK	NJ	07666
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127
ARROWHEAD SERVICES INC	12920 METCALF STE 150	OVERLAND PARK	KS	66213
ATLANTIC ENGINEERING GROUP INC	1136 ZION CHURCH RD	BRASELTON	GA	30517
ATWOOD ELECTRIC INC	23124 HIGHWAY 149	SIGOURNEY	IA	52591

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUREUS RADIOLOGY LLC	11825 Q ST	OMAHA	NE	68137
AUTOMATIC BAR CONTROLS INC	790 EUBANKS DR	VACAVILLE	CA	95688
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B & K MANAGEMENT INC	545 J ST	LINCOLN	NE	68508
BARNESCO INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BD CONSTRUCTION INC.	209 EAST 6TH STREET	KEARNEY	NE	68847
BECERRA CONSTRUCTION	2323 WAGON RD	FT SCOTT	KS	66701
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL	IA	51401
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BESTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
BIGGE CRANE AND RIGGING CO	10700 BIGGE AVE	SAN LEANDRO	CA	94577
BIVOUAC ENGINEERING & SERVICE CO LLC	588 MEADOW LANE	MARION	OH	43302
BLAHNIK CONSTRUCTION CO	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLUESTONE CONSTRUCTION LLC	13271 OBANNON STATION WAY	LOUISVILLE	KY	40223
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BOYTER INSULATION SERVICE INC	801 MERCURY AVE	DUNCANVILLE	TX	75137
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRYAN POWELL DRYWALL INC	4330 PARKER LN	TEXARKANA	AR	71854
BUILDER SERVICES GROUP INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
BUILDING ERECTION SERVICES COMP OF MO LC	15585 SOUTH KEELER	OLATHE	KS	66051
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
CABLE CONSTRUCTORS INC	105 KENT ST	IRON MOUNTAIN	MI	49801
CARRICO CONSTRUCTION COMPANY INC	4015 MAY AVE	WICHITA	KS	67213
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CD SMITH CONSTRUCTION INC	889 EAST JOHNSON ST	FOND DU LAC	WI	54935
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTURY BUILDERS INC	11250 CHARLES RD	HOUSTON	TX	77041
CHAMPION EXPOSITION SERVICES	139 CAMPANELLI DRIVE	MIDDLEBORO	MA	02346
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHASE CONTRACTORS INC	800 W 35TH PARKWAY	CHANUTE	KS	66720
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHR SOLUTIONS INC	4747 SOUTH LOOP 289	LUBBOCK	TX	79424
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CHRISTIE DIGITAL SYSTEMS USA INC	10550 CAMDEN DRIVE	CYPRESS	CA	90630
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLE RAYWID & BRAVERMAN LLP	1919 PENNSYLVANIA AVE NW	WASHINGTON	DC	20006
CONEL INC	13235 CHANDLER ROAD STE B	OMAHA	NE	68138
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTORS INC	6225 CHOCTAW DR	BATON ROUGE	LA	70805
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CORE RESOURCES INC	7795 FIVE MILE RD	CINCINNATI	OH	45230
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOM HOME AND CABINET LLC	15519 W 84TH ST	LENEXA	KS	66219
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
D ROSS CONSTRUCTION LLC	12420 HIGH DR	LEAWOOD	KS	66209
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DARDEN GLOEB REEDER INC	8601 I STREET	OMAHA	NE	68127
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DEAN STEEL ERECTION COMPANY INC	5366 N VALLEY PIKE	HARRISONBURG	VA	22803
DECORATING AND COATING APPLICATIONS LLC	2355 CLYDE DRIVE	CHAMBLEE	GA	30341
DEJAGER CONSTRUCTION	75 60TH ST SW	WYOMING	MI	49508
DENISON DRYWAQLL CONTRACTING INC	2307 HWY 30 EAST	DENISON	IA	51442
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762

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DUSTROL INC	GEN DEL	EL DORADO	KS	67042
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
EBM CONSTRUCTION INC	1014 SHERWOOD ROAD	NORFOLK	NE	68701
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
ELLIS MOTOR FREIGHT LLC	74 ABEL DRIVE	GUTTENBERG	IA	52052
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	12400 COIT RD #1030	DALLAS	TX	75251
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	4655 ROSEBUD LANE	NEWBURGH	IN	47630
ENTERPRISE SOLUTIONS INC	2116 WALSH AVE STE B	SANTA CLARA	CA	95050
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXCEL STUCCO INC	14123 MANOR DR	LEAWOOD	KS	66224
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
F&F CONSTRUCTION INC	7377 OLD ALEXANDRIA FERRY	CLINTIN	MD	20735
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALEWITCH CONSTRUCTION SERVICES INC	8720 S 114TH ST STE 100	LAVISTA	NE	68128
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOUNDATION FENCE INC	320 SOUTHLAND RD	BURNET	TX	78611
FREESSEN INC	316 S PEARL	BLUFFS	IL	62621
G & S INC	14202 HILLSDALE CIRCLE	OMAHA	NE	68137
GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GEOPIER FOUNDATION CO MIDWEST	6336 HICKMAN STE 203	DES MOINES	IA	50322
GEOTECH SERVICES INC	350 GOLDEN OAK PARKWAY	OAKWOOD VILLAGE	OH	44146
GFV CONSTRUCTION CO	4535 MEADOWVIEW DR	LAKELAND	FL	33810
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GLOBAL INDUSTRIAL INC	19801 EAST 6TH ST	TULSA	OK	74108
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GOLEY INC	P O BOX 309	DUPO	IL	62239
GRABER AGRI-BUILDERS INC	CO RD 450 E BOX 436A	MONTGOMERY	IN	47558
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
HAGEMANN CONSTRUCTION INC	7537 MCCOY ST	SHAWNEE	KS	66227
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARMAN CONSTRUCTION INC	1633 ROGERS RD	FORT WORTH	TX	76107

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HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMVL & ENCPSTLN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOOPER CORPORATION	P O BOX 7455	MADISON	WI	53707
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	4222 HWY 52	META	MO	65058
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INTERIOR SYSTEMS INC	5446 W STATE STREET	BOISE	ID	83703
INTERNATIONAL INDUSTRIAL CONTRACTING CORPORATION	35900 MMOUND RD	STERLING HEIGHTS	KS	48310
INTERSTATES CONSTRUCTION SERVICES INCORPORATED	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
JACK HOPE DESIGN BUILD INC	1440 N 3RD ST	LAWRENCE	KS	66044
JANTON INDUSTRIES INC	13 42ND STREET	BROOKLYN	NY	11232
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JET HEATING INC	P O BOX 7362	SALEM	OR	97303
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JOEL FRITZEL CONSTRUCTION CO.	3320 CLINTON PARKWAY CT	LAWRENCE	KS	66047
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON CONSTRUCTION SERVICES INC	402 E MAIN ST	ATTICA	IN	47918
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JOY MASONRY	124 S BALTIMORE STE I	DERBY	KS	67037
JT WILKINS INC	209 HARRELSON RD	TUMBLING SHOALS	AR	72581
KANE FIRE PROTECTION INC	170 E ALTON AVE	EAST ALTON AVE	IL	62024

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KLINE CONSTRUCTION CORPORATION	9385 HAMILTON DR	MENTOR	OH	44060
KNK TELECOM LLC	308 WEST ELM STREET	OLATHE	KS	66061
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266
L & L INSULATION & SUPPLY CO	3810 B PAULE AVE	ST LOUIS COUNTY	MO	63125
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LARSON CONTRACTING INC	508 WEST MAIN STREET	LAKE MILLS	IA	50450
LAW CO INC	345 RIVERVIEW ST	WICHITA	KS	67203
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LITTON ENTERPRISES INC	600 HALFWAY RD	MARION	IL	62959
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FALLS	WI	54615
M & M ELECTRICAL CONTRACTOR INC	5832 ROY PERRY RD	SPRINGFIELD	TN	37172
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MAHAFFEY CONSTRUCTION	102 ESTATES DR	GREEN FOREST	AR	72638
MAINSTREET MUFFLER AND BRAKE	1406 N MAIN STREET	HARRISON	AR	72601
MANSION AMERICA LLC	100 NORTH PINE STREET	PITTSBURGH	KS	66762
MARTIN CONSTRUCTION MANAGEMENT CO	4700 ROE PKWY	SHAWNEE MSN	KS	66205
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCKITTRICK CONSTRUCTION	13283 BLUEJACKET	OVERLAND PARK	KS	66225
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MDS BUILDERS INC	5455 N FEDERAL HWY	BOCA RATON	FL	33487
METROPOLITAN PAVEMENT SPECIALISTS LLC	14012 GILES RD	OMAHA	NE	68138
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDWEST PARTITIONS INC	509 WALNUT STREET	THEDFORD	NE	69166
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MILENDER WHITE CONSTRUCTION CO	1503 BIG PINEY RD # 1018	FORT LEONARD WOOD	MO	65473
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST STE 2704	NASHVILLE	TN	37203

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MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MK MECHANICAL CORPORATION	9041 EXECUTIVE PARK #117	KNOXVILLE	TN	37923
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NEESE INC	303 DIVISION PO BOX 392	GRAND JUNCTION	IA	50107
NES TRAFFIC SAFETY LP	8770 W BRYN MAWR 4TH FLR	CHICAGO	IL	60631
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OMEGA INSURANCE SERVICES INC	100 1ST AVE SOUTH STE 530	ST PETERSBURG	FL	33701
OMNI ENGINEERING INC	14012 GILES RD	OMAHA	NE	68138
OSTROM PAINTING & SANDBLASTING INC	1110-8TH AVE	ROCK ISLAND	IL	61201
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PADGETT BUILDING & REMODELING INC	4200 SMELTING WORKS RD	BELLEVILLE	IL	62226
PAR INC	300 TICE BOULEVARD	WOODCLIFF LAKE	NJ	07677
PARKER CONSTRUCTION CO	4572 DRY FORK ROAD	WHITES CREEK	TN	37189
PARSONS ELECTRIC LLC	5960 MAIN ST NE	MINNEAPOLIS	MN	55432
PENNS LANDING SUPPLY COMPANY DBA WYATT INC	4545 CAMPBELLS RUN RD	PITTSBURGH	PA	15205
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHARMANET INC	504 CARNEGIE CENTER	PRINCETON	NJ	08540
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PIKE ELECTRIC INC	100 PIKE WAY	MOUNT AIRY	NC	27030
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
P-N-G CONTRACTING INC	917 CARLA DR	TROY	IL	62294
POLE MAINTENANCE CO LLC	4307 23RD ST	COLUMBUS	NE	68601
PRANGER ENTERPRISES INC	101 W STATE ROAD 4	HUDSON	IN	46747
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRECISION CASEWORK & TRIM INC	816 SE 83RD ST	OKLAHOMA CITY	OK	73149

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
PRECISION ELECTRICAL CONTRACTORS INC	2403 SIDNEY ST SUITE 125	PITTSBURGH	PA	15203
PRITCHARD ELECTRIC COMPANY INC	2425 EIGHTH AVENUE	HUNTINGTON	WV	25703
PROFESSIONAL REGISTERED NURSES INC DBA PRN MEDICAL	314 SOUTH 17TH STREET	FORT SMITH	AR	72901
PROVIDENCE CONTRACTORS LLC	374 F MORRISON RD	COLUMBUS	OH	43213
PULTE PAYROLL CORPORATION	100 BLOOMFIELD HILLS #300	BLOOMFIELD HILLS	MI	48034
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
QUOVADX INC	7600 E ORCHARD RS 300 S	GREENWOOD VILLAGE	CO	80111
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
RADIOLOGY STAFFING INC	13705 B ST	OMAHA	NE	68144
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E US HIGHWAY 80	ABILENE	TX	79601
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
RECOR SERVICES INC	4122 NE 185TH AVE	PORTLAND	OR	97230
REDDINGER CONSTRUCTORS INC	6301 OLD BOONVILLE HWY	EVANSVILLE	IN	47715
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
ROOF USA LLC	3761 EAST LAKE RD	DUNKIRK	NY	14048
ROSE LAN CONTRACTORS INC	820 CHEYENNE AVE	KANSAS CITY	KS	66105
ROSTER COMPANY INC	1602 57TH STREET	GARRISON	IA	52229
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUPP MASONRY CONSTRUCTION CO	1501 N 18TH STREET	QUINCY	IL	62301
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622
SCHUPPS LINE CONSTRUCTION INC	10 PETRA LANE	ALBANY	NY	12205
SCOTT ENTERPRISES ROOFING & SHEET METAL	1217 S MAIN ST	MARYVILLE	MO	64468
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SHAMBURG UNLIMITED LLC	3244 SE STANLEY RD	TECUMSEH	KS	66542
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHIELDS TELECOMM INC	7 CIRCLE DR	MOUNT VERNON	IL	62864
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOUTHEAST DIRECTIONAL DRILLING LLC	2323 S HARDY DRIVE	TEMPE	AZ	85282

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
SOUTHWESTERN CONSTRUCTION SERVICES INC	4542 STATE RT 160	HIGHLAND	IL	62249
SPARTAN CONSTRUCTORS LLC	2100 DRAYTON RD	DRAYTON	SC	29333
SPORTEXE CONSTRUCTION SERVICES INC	1809 MERRITTVILLE FONTHIL	ONT CAN LOS1E6	ON	99999
STEPHENS & SMITH CONSTRUCTION CO INC	1542 S 1ST ST	LINCOLN	NE	68502
STERLING BOILER & MECHANICAL INC	1420 KIMBER LANE	EVANSVILLE	IN	47715
STILL CONSTRUCTION CO INC	PO BOX 70	LEAD HILL	AR	72644
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST	OLATHE	KS	66062
STORY ENTERPRISES INC	7735 WASHINGTON AVE STE G	KANSAS CITY	KS	66112
STOVALL CONSTRUCTION INC	7409 US HWY 287	ARLINGTON	TX	76001
STREAM WORKS INC	5455 7UP LANE	LINCOLN	MT	59639
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKEL ELECTRIC INC	375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUMMIT CONTRACTING OF DELAWARE LLC	120 N LIME ST	LANCASTER	PA	17602
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNDSTROMS PIT PUMPING LLC	310 CEDAR STREET	COLFAX	WI	54730
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SWORD CONSTRUCTION LLC	1701 NORTHPARK DR STE 6	KINGWOOD	TX	77339
SYSTEMS INTEGRATION & DEVELOPMENT INC	15200 SHADY GROVE RD	ROCKVILLE	MD	20850
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEFCO INC	11022 SAWMILL RD	ELBERFELD	IN	47613
TENCON INC	530 JONES ST	VERONA	PA	15147
TENOCH CONSTRUCTION INC	6216 MISSION RD	FAIRWAY	KS	66205
TERRA ENGINEERING & CONSTRUCTION CORPORATION	2201 VONDRON RD	MADISON	WI	53718
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TOTAL WESTERN INC	8049 SOMERSET BLVD	PARAMOUNT	CA	90723
TOURNEAR ROOFING CO	2605 SPRING LAKE RD	QUINCY	IL	62305
TOWER MECHANICAL SERVICES	2125 W 20TH AVE	OSHKOSH	WI	54904
TPQ CORPORATION	8522 E 61ST ST	TULSA	OK	74133
TR MANAGEMENT INC	6700 SW TOPEKA BLVD #344	TOPEKA	KS	66619
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
TRAXLER CONSTRUCTION INC	625 COMMERCE DRIVE	LE CENTER	MN	56057
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1100	SAN FRANCISCO	CA	94105
TRIDAQ INC	1011 LEAVENWORTH	OMAHA	NE	68102
TRINITY EXCAVATING & CONSTRUCTION INC	1500 KANSAS CITY RD	OLATHE	KS	66061
UNITED CONTRACTORS INC	6678 NW 62ND AVE	JOHNSTON	IA	50131
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
VENTURE CONSTRUCTION INC	1105 N MARKET ST	WILMINGTON	DE	19899
VERSENT GROUP LLC	13608 W 95TH ST	LENEXA	KS	66215
VICS CRANE & HEAVY HAUL INC	3000 145TH STREET EAST	ROSEMOUNT	MN	55068
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VLS SYSTEMS INC	9900 MAIN ST #304	FAIRFAX	VA	22031
VON ALST HOLDING COMPANY	2416 SMELTING WORKS RD	SWANSEA	IL	62226
W & G LLC	5075 CARPENTER RD	YPSILANTI	MI	48197
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 6TH ST STE E	LAWRENCE	KS	66049
WALKER CENTRIFUGE SERVICES LLC	516 B GRAVES BOULEVARD	SALINA	KS	67401
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALSH CONSTRUCTION COMPANY OF ILLIN	819 WALNUT	KANSAS CITY	MO	64106
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WANZEK CONSTRUCTION INC	16553 37R ST SE	FARGO	ND	58103
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTERN METAL PRODUCTS LC	1462 W 1500 S	WOODS CROSS	UT	84087
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WONDER PLUMBING INC	14216 DAYTON CIRCLE STE13	OMAHA	NE	68137
WOODS CONSTRUCTION INC	6396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WORLEY CLAIMS SERVICE INC	4736 W NAPOLEAN AVE	METAIRIE	LA	70001
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YOUNGLOVE CONSTRUCTION LLC	2015 EAST 7TH STREET	SIOUX CITY	IA	51101

Updated: 01/02/2007 9:40:22 AM

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF CORPORATE
DISSOLUTION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
ST. LOUIS CAR COMPANY**

NOTICE IS HEREBY GIVEN that on December 20, 2006, ST. LOUIS CAR COMPANY, a Missouri Corporation (the "company"), which maintains its principle office at 30 Fordyce Lane, Ladue, Missouri 63124, filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State effective on December 20, 2006 and is now winding-up its affairs.

Any claims against the company may be sent to St. Louis Car Company, c/o Donald K Anderson, Jr., Attorney at Law, 8011 Clayton Road, 3rd Floor, St. Louis, Missouri 63117.

Each claim should include the following: (i) the name, address, and telephone number of the claimant; (ii) the amount claimed; (iii) the date on which the claim arose; (iv) the basis for the claim; and (v) documentation of the claim.

All claims against the company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after publication of this notice.

**NOTICE OF DISSOLUTION OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
OSTEOPATHIC MEDICAL ASSOCIATES, LLC**

On December 26, 2006, Osteopathic Medical Associates, LLC, a Missouri Limited Liability Company (the "Company"), filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to Don Chapman, Jr., P.O. Box 228, 903 Jackson Street, Chillicothe, MO 64601. Claims must include the name and address of the claimant, amount of the claim, the date on which the claim arose, basis for the claim, and documentation in support of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
GRANDVISTA, L.L.C.**

On December 28, 2006, GRANDVISTA, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Russell W. Cook, Carnahan, Evans, Cantwell & Brown, P.C., 3027 W. Highway 76, Suite B, Branson, Missouri 65616, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
GOETZ ENTERPRISES, L.L.C.**

On January 4, 2007, Goetz Enterprises, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Thomas D. Peebles, Jr., Esq., Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CHESTNUT GARDENS MOBILE HOME PARK, L.L.C.**

On January 4, 2007, Chestnut Gardens Mobile Home Park, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Thomas D. Peebles, Jr., Esq., Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		31 MoReg 1867		
DEPARTMENT OF AGRICULTURE					
2 CSR 70-25.120	Plant Industries				This Issue
2 CSR 110-2.010	Office of the Director	31 MoReg 1293	31 MoReg 1306	32 MoReg 93	
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.117	Conservation Commission		31 MoReg 1703	32 MoReg 162	
3 CSR 10-4.145	Conservation Commission		31 MoReg 1703	32 MoReg 162	
3 CSR 10-5.310	Conservation Commission		31 MoReg 1704	32 MoReg 162	
3 CSR 10-5.315	Conservation Commission		31 MoReg 1704	32 MoReg 162	
3 CSR 10-5.320	Conservation Commission		31 MoReg 1704	32 MoReg 163	
3 CSR 10-5.330	Conservation Commission		31 MoReg 1705	32 MoReg 163	
3 CSR 10-5.351	Conservation Commission		31 MoReg 1705	32 MoReg 163	
3 CSR 10-5.352	Conservation Commission		31 MoReg 1705	32 MoReg 163	
3 CSR 10-5.375	Conservation Commission		31 MoReg 1705	32 MoReg 163	
3 CSR 10-5.440	Conservation Commission		31 MoReg 1709	32 MoReg 163	
3 CSR 10-5.460	Conservation Commission		31 MoReg 1711	32 MoReg 163	
3 CSR 10-5.465	Conservation Commission		31 MoReg 1711	32 MoReg 164	
3 CSR 10-5.540	Conservation Commission		31 MoReg 1711	32 MoReg 164	
3 CSR 10-5.545	Conservation Commission		31 MoReg 1713	32 MoReg 164	
3 CSR 10-5.551	Conservation Commission		31 MoReg 1715	32 MoReg 164	
3 CSR 10-5.552	Conservation Commission		31 MoReg 1717	32 MoReg 164	
3 CSR 10-5.554	Conservation Commission		31 MoReg 1717	32 MoReg 164	
3 CSR 10-5.559	Conservation Commission		31 MoReg 1717	32 MoReg 165	
3 CSR 10-5.560	Conservation Commission		31 MoReg 1719	32 MoReg 165	
3 CSR 10-5.565	Conservation Commission		31 MoReg 1721	32 MoReg 165	
3 CSR 10-5.570	Conservation Commission		31 MoReg 1723	32 MoReg 165	
3 CSR 10-5.576	Conservation Commission		31 MoReg 1725	32 MoReg 165	
3 CSR 10-6.405	Conservation Commission		31 MoReg 1725	32 MoReg 165	
3 CSR 10-6.410	Conservation Commission		31 MoReg 1725	32 MoReg 166	
3 CSR 10-6.505	Conservation Commission		31 MoReg 1726	32 MoReg 166	
3 CSR 10-6.510	Conservation Commission		31 MoReg 1726	32 MoReg 166	
3 CSR 10-6.515	Conservation Commission		31 MoReg 1726	32 MoReg 166	
3 CSR 10-6.520	Conservation Commission		31 MoReg 1727	32 MoReg 166	
3 CSR 10-6.525	Conservation Commission		31 MoReg 1727	32 MoReg 167	
3 CSR 10-6.530	Conservation Commission		31 MoReg 1727	32 MoReg 167	
3 CSR 10-6.533	Conservation Commission		31 MoReg 1727	32 MoReg 167	
3 CSR 10-6.535	Conservation Commission		31 MoReg 1728	32 MoReg 167	
			32 MoReg 215		
3 CSR 10-6.540	Conservation Commission		31 MoReg 1728	32 MoReg 167	
3 CSR 10-6.545	Conservation Commission		31 MoReg 1728	32 MoReg 167	
3 CSR 10-6.550	Conservation Commission		31 MoReg 1729	32 MoReg 168	
3 CSR 10-6.605	Conservation Commission		31 MoReg 1729	32 MoReg 168	
3 CSR 10-7.410	Conservation Commission		31 MoReg 1729	32 MoReg 168	
3 CSR 10-7.415	Conservation Commission		31 MoReg 1730	32 MoReg 168	
3 CSR 10-7.430	Conservation Commission		31 MoReg 1730	32 MoReg 168	
3 CSR 10-7.450	Conservation Commission		31 MoReg 1731	32 MoReg 168	
3 CSR 10-7.455	Conservation Commission				32 MoReg 261
3 CSR 10-8.510	Conservation Commission		31 MoReg 1731	32 MoReg 168	
3 CSR 10-8.515	Conservation Commission		31 MoReg 1732	32 MoReg 169	
3 CSR 10-9.105	Conservation Commission		31 MoReg 1733	32 MoReg 169	
3 CSR 10-9.110	Conservation Commission		31 MoReg 1737	32 MoReg 169	
3 CSR 10-9.220	Conservation Commission		31 MoReg 1737	32 MoReg 169	
3 CSR 10-9.351	Conservation Commission		31 MoReg 1739	32 MoReg 170	
3 CSR 10-9.353	Conservation Commission		31 MoReg 1739R	32 MoReg 253R	
			31 MoReg 1739	32 MoReg 253	
3 CSR 10-9.359	Conservation Commission		31 MoReg 1741	32 MoReg 170	
3 CSR 10-9.425	Conservation Commission		31 MoReg 1741	32 MoReg 170	
3 CSR 10-9.560	Conservation Commission		31 MoReg 1741	32 MoReg 170	
3 CSR 10-9.565	Conservation Commission		31 MoReg 769		
			31 MoReg 1742	32 MoReg 253	
3 CSR 10-9.625	Conservation Commission		31 MoReg 1743	32 MoReg 254	
3 CSR 10-9.627	Conservation Commission		31 MoReg 1743	32 MoReg 170	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.628	Conservation Commission		31 MoReg 1744	32 MoReg 255	
3 CSR 10-10.725	Conservation Commission		31 MoReg 1744	32 MoReg 170	
3 CSR 10-10.735	Conservation Commission		31 MoReg 1744	32 MoReg 171	
3 CSR 10-11.125	Conservation Commission		31 MoReg 1745	32 MoReg 255	
3 CSR 10-11.140	Conservation Commission		31 MoReg 1745	32 MoReg 171	
3 CSR 10-11.160	Conservation Commission		31 MoReg 1746	32 MoReg 171	
3 CSR 10-11.180	Conservation Commission		31 MoReg 1748	32 MoReg 171	
3 CSR 10-11.200	Conservation Commission		31 MoReg 1751	32 MoReg 171	
3 CSR 10-11.205	Conservation Commission		31 MoReg 1751	32 MoReg 171	
3 CSR 10-11.210	Conservation Commission		31 MoReg 1752	32 MoReg 172	
3 CSR 10-11.215	Conservation Commission		31 MoReg 1752	32 MoReg 172	
3 CSR 10-12.109	Conservation Commission		31 MoReg 1753	32 MoReg 172	
3 CSR 10-12.115	Conservation Commission		31 MoReg 1753	32 MoReg 172	
3 CSR 10-12.130	Conservation Commission		31 MoReg 1754	32 MoReg 172	
3 CSR 10-12.145	Conservation Commission		31 MoReg 1754	32 MoReg 172	
3 CSR 10-12.155	Conservation Commission		31 MoReg 1754	32 MoReg 173	
3 CSR 10-20.805	Conservation Commission		31 MoReg 1755	32 MoReg 173	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects (<i>Changed to 20 CSR 2030-6.015</i>)		31 MoReg 1392	31 MoReg 2056	
4 CSR 40-4.040	Office of Athletics (<i>Changed to 20 CSR 2040-4.040</i>)		31 MoReg 1310	32 MoReg 177	
4 CSR 40-4.090	Office of Athletics (<i>Changed to 20 CSR 2040-4.090</i>)		31 MoReg 1310	32 MoReg 177	
4 CSR 110-2.110	Missouri Dental Board (<i>Changed to 20 CSR 2110-2.110</i>)		31 MoReg 1395	32 MoReg 178	
4 CSR 110-2.114	Missouri Dental Board (<i>Changed to 20 CSR 2110-2.114</i>)		31 MoReg 1395	32 MoReg 178	
4 CSR 150-2.125	State Board of Registration for the Healing Arts (<i>Changed to 20 CSR 2150-2.125</i>)		31 MoReg 1398	32 MoReg 259	
4 CSR 150-3.010	State Board of Registration for the Healing Arts (<i>Changed to 20 CSR 2150-3.010</i>)		31 MoReg 1398	32 MoReg 260	
4 CSR 150-3.203	State Board of Registration for the Healing Arts (<i>Changed to 20 CSR 2150-3.203</i>)		31 MoReg 1399	32 MoReg 260	
4 CSR 150-5.100	State Board of Registration for the Healing Arts (<i>Changed to 20 CSR 2150-5.100</i>)		31 MoReg 1399	This IssueW	
4 CSR 150-7.135	State Board of Registration for the Healing Arts (<i>Changed to 20 CSR 2150-7.135</i>)		31 MoReg 1400	This IssueW	
4 CSR 200-4.100	State Board of Nursing (<i>Changed to 20 CSR 2200-4.100</i>)		31 MoReg 1401	32 MoReg 260	
4 CSR 200-4.200	State Board of Nursing (<i>Changed to 20 CSR 2200-4.200</i>)		31 MoReg 1401	This IssueW	
4 CSR 220-2.010	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.010</i>)		31 MoReg 1468		
4 CSR 220-2.020	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.020</i>)		31 MoReg 1474		
4 CSR 220-2.025	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.025</i>)		31 MoReg 1474		
4 CSR 220-2.190	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.190</i>)		31 MoReg 1479		
4 CSR 220-2.450	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.450</i>)		31 MoReg 1479		
4 CSR 220-2.900	State Board of Pharmacy (<i>Changed to 20 CSR 2220-2.900</i>)		31 MoReg 1482		
4 CSR 220-5.020	State Board of Pharmacy (<i>Changed to 20 CSR 2220-5.020</i>)		31 MoReg 1485		
4 CSR 220-5.030	State Board of Pharmacy (<i>Changed to 20 CSR 2220-5.030</i>)		31 MoReg 1485		
4 CSR 232-2.040	Missouri State Committee of Interpreters (<i>Changed to 20 CSR 2232-2.040</i>)	31 MoReg 1465	31 MoReg 1486	32 MoReg 179	
4 CSR 235-5.030	State Committee of Psychologists (<i>Changed to 20 CSR 2235-5.030</i>)		31 MoReg 1212R 31 MoReg 1212	32 MoReg 179R 32 MoReg 179	
4 CSR 235-7.020	State Committee of Psychologists (<i>Changed to 20 CSR 2235-7.020</i>)		31 MoReg 1218	32 MoReg 180	
4 CSR 235-7.030	State Committee of Psychologists (<i>Changed to 20 CSR 2235-7.030</i>)		31 MoReg 1218	32 MoReg 180	
4 CSR 240-37.010	Public Service Commission		31 MoReg 1758	This Issue	
4 CSR 240-37.020	Public Service Commission		31 MoReg 1758	This Issue	
4 CSR 240-37.030	Public Service Commission		31 MoReg 1759	This Issue	
4 CSR 240-37.040	Public Service Commission		31 MoReg 1763	This Issue	
4 CSR 240-37.050	Public Service Commission		31 MoReg 1763	This Issue	
4 CSR 240-37.060	Public Service Commission		31 MoReg 1764	This Issue	
4 CSR 262-1.010	Small Business Regulatory Fairness Board		32 MoReg 9		
4 CSR 262-1.020	Small Business Regulatory Fairness Board		32 MoReg 13		
4 CSR 265-9.010	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.010</i>)		32 MoReg 15		

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4 CSR 265-9.020	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.020</i>)		32 MoReg 16		
4 CSR 265-9.040	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.040</i>)		32 MoReg 17		
4 CSR 265-9.050	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.050</i>)		32 MoReg 19		
4 CSR 265-9.060	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.060</i>)		32 MoReg 19		
4 CSR 265-9.070	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.070</i>)		32 MoReg 19		
4 CSR 265-9.090	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.090</i>)		32 MoReg 20		
4 CSR 265-9.100	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.100</i>)		32 MoReg 20		
4 CSR 265-9.110	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.110</i>)		32 MoReg 21		
4 CSR 265-9.130	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.130</i>)		32 MoReg 24		
4 CSR 265-9.140	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.140</i>)		32 MoReg 24		
4 CSR 265-9.150	Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-9.150</i>)		32 MoReg 25		
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5 CSR 30-261.040	Division of Administrative and Financial Services		32 MoReg 26		
5 CSR 30-345.010	Division of Administrative and Financial Services		31 MoReg 1417R	This IssueR	
5 CSR 30-640.010	Division of Administrative and Financial Services		31 MoReg 1869R		
5 CSR 30-660.065	Division of Administrative and Financial Services		31 MoReg 1869R		
5 CSR 50-200.010	Division of School Improvement		31 MoReg 1764		
5 CSR 50-200.050	Division of School Improvement		31 MoReg 1641		
5 CSR 50-345.020	Division of School Improvement		31 MoReg 1223R	32 MoReg 94R	
5 CSR 50-350.040	Division of School Improvement		32 MoReg 33		
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R		
5 CSR 70-742.141	Special Education		N.A.	This Issue	
5 CSR 80-805.015	Teacher Quality and Urban Education		31 MoReg 1223	32 MoReg 94	
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6 CSR 10-2.020	Commissioner of Higher Education		This Issue		
6 CSR 10-2.080	Commissioner of Higher Education		This Issue		
6 CSR 10-2.120	Commissioner of Higher Education		This Issue		
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7 CSR 10-10.010	Missouri Highways and Transportation Commission		32 MoReg 133		
7 CSR 10-10.030	Missouri Highways and Transportation Commission		32 MoReg 134		
7 CSR 10-10.040	Missouri Highways and Transportation Commission		32 MoReg 135		
7 CSR 10-10.050	Missouri Highways and Transportation Commission		32 MoReg 135		
7 CSR 10-10.060	Missouri Highways and Transportation Commission		32 MoReg 136		
7 CSR 10-10.070	Missouri Highways and Transportation Commission		32 MoReg 136		
7 CSR 10-10.080	Missouri Highways and Transportation Commission		32 MoReg 138		
7 CSR 10-10.090	Missouri Highways and Transportation Commission		32 MoReg 138		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				32 MoReg 98 32 MoReg 261
7 CSR 265-9.010	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.010</i>)		32 MoReg 15		
7 CSR 265-9.020	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.020</i>)		32 MoReg 16		
7 CSR 265-9.040	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.040</i>)		32 MoReg 17		
7 CSR 265-9.050	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.050</i>)		32 MoReg 19		
7 CSR 265-9.060	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.060</i>)		32 MoReg 19		
7 CSR 265-9.070	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.070</i>)		32 MoReg 19		
7 CSR 265-9.090	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.090</i>)		32 MoReg 20		
7 CSR 265-9.100	Motor Carrier and Railroad Safety (<i>Changed from 4 CSR 265-9.100</i>)		32 MoReg 20		

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7 CSR 265-9.110	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.110)		32 MoReg 21		
7 CSR 265-9.130	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.130)		32 MoReg 24		
7 CSR 265-9.140	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.140)		32 MoReg 24		
7 CSR 265-9.150	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.150)		32 MoReg 25		
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8 CSR 50-2.030	Division of Workers' Compensation	31 MoReg 1377	31 MoReg 1417	32 MoReg 173	
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9 CSR 10-7.140	Director, Department of Mental Health		31 MoReg 1486		
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10 CSR 10-2.070	Air Conservation Commission		32 MoReg 39		
10 CSR 10-2.390	Air Conservation Commission		31 MoReg 1941		
10 CSR 10-3.090	Air Conservation Commission		32 MoReg 39		
10 CSR 10-4.070	Air Conservation Commission		32 MoReg 40		
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10 CSR 10-5.220	Air Conservation Commission		32 MoReg 215		
10 CSR 10-5.375	Air Conservation Commission		This IssueR		
10 CSR 10-5.380	Air Conservation Commission		This IssueR		
10 CSR 10-5.381	Air Conservation Commission		This Issue		
10 CSR 10-5.480	Air Conservation Commission		31 MoReg 1965		
10 CSR 10-6.062	Air Conservation Commission		31 MoReg 1766		
10 CSR 10-6.070	Air Conservation Commission		32 MoReg 139		
10 CSR 10-6.075	Air Conservation Commission		32 MoReg 139		
10 CSR 10-6.080	Air Conservation Commission		32 MoReg 141		
10 CSR 10-6.350	Air Conservation Commission		31 MoReg 1766		
10 CSR 10-6.360	Air Conservation Commission		31 MoReg 1767		
10 CSR 10-6.362	Air Conservation Commission		31 MoReg 1769		
10 CSR 10-6.364	Air Conservation Commission		31 MoReg 1781		
10 CSR 10-6.366	Air Conservation Commission		31 MoReg 1791		
10 CSR 10-6.368	Air Conservation Commission		31 MoReg 1797		
10 CSR 20-7.050	Clean Water Commission	31 MoReg 1845	31 MoReg 2049		
10 CSR 23-1.075	Division of Geology and Land Survey		31 MoReg 1644	This Issue	
10 CSR 23-3.100	Division of Geology and Land Survey		This Issue		
10 CSR 23-5.050	Division of Geology and Land Survey		This Issue		
10 CSR 50-2.030	Oil and Gas Council		31 MoReg 1645		
10 CSR 80-2.010	Solid Waste Management		31 MoReg 1141	32 MoReg 95	
10 CSR 80-2.015	Solid Waste Management		31 MoReg 1145	32 MoReg 95	
10 CSR 80-8.020	Solid Waste Management		32 MoReg 224		
10 CSR 80-8.030	Solid Waste Management		32 MoReg 226		
10 CSR 80-8.040	Solid Waste Management		32 MoReg 227R		
10 CSR 80-8.050	Solid Waste Management		32 MoReg 228		
10 CSR 80-8.060	Solid Waste Management		32 MoReg 238		
10 CSR 80-9.010	Solid Waste Management		This IssueR		
10 CSR 80-9.030	Solid Waste Management		32 MoReg 241		
10 CSR 80-9.035	Solid Waste Management		32 MoReg 242		
10 CSR 80-9.050	Solid Waste Management		This Issue		
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 42		
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 44		
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11 CSR 10-5.010	Adjutant General	31 MoReg 1380	31 MoReg 1422	31 MoReg 2053	
11 CSR 30-11.010	Office of the Director		32 MoReg 142		
11 CSR 40-5.050	Division of Fire Safety		32 MoReg 45		
11 CSR 40-5.065	Division of Fire Safety		32 MoReg 45		
11 CSR 40-5.070	Division of Fire Safety		32 MoReg 50		
11 CSR 40-5.080	Division of Fire Safety		32 MoReg 50		
11 CSR 40-5.090	Division of Fire Safety		32 MoReg 52		
11 CSR 40-5.110	Division of Fire Safety		32 MoReg 52		
11 CSR 45-5.180	Missouri Gaming Commission		31 MoReg 1490	32 MoReg 255	
11 CSR 45-5.190	Missouri Gaming Commission		31 MoReg 1490	32 MoReg 255	
11 CSR 45-5.200	Missouri Gaming Commission		31 MoReg 1490	32 MoReg 256	
11 CSR 45-5.237	Missouri Gaming Commission		31 MoReg 1155	32 MoReg 96	
11 CSR 45-7.030	Missouri Gaming Commission		31 MoReg 1313	32 MoReg 256	
11 CSR 45-7.040	Missouri Gaming Commission		31 MoReg 1315	32 MoReg 257	
11 CSR 45-7.080	Missouri Gaming Commission		31 MoReg 1317	32 MoReg 257	
11 CSR 45-7.120	Missouri Gaming Commission		31 MoReg 1319	32 MoReg 258	
11 CSR 45-11.040	Missouri Gaming Commission		31 MoReg 1491	32 MoReg 258	
11 CSR 45-11.090	Missouri Gaming Commission		31 MoReg 1492R	32 MoReg 258R	
11 CSR 45-11.110	Missouri Gaming Commission		31 MoReg 1492	32 MoReg 259	
11 CSR 45-12.020	Missouri Gaming Commission		31 MoReg 1493	32 MoReg 259	
11 CSR 45-12.040	Missouri Gaming Commission		31 MoReg 1493	32 MoReg 259	

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11 CSR 45-12.080	Missouri Gaming Commission		31 MoReg 1990		
11 CSR 45-12.090	Missouri Gaming Commission		31 MoReg 1494	32 MoReg 259	
11 CSR 45-13.055	Missouri Gaming Commission	32 MoReg 5	32 MoReg 55		
11 CSR 45-30.280	Missouri Gaming Commission		31 MoReg 1990		
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12 CSR 10-23.255	Director of Revenue		31 MoReg 1870		
12 CSR 10-23.270	Director of Revenue		31 MoReg 1873		
12 CSR 10-23.422	Director of Revenue		31 MoReg 1494R	32 MoReg 175R	
12 CSR 10-23.446	Director of Revenue		31 MoReg 1873		
12 CSR 10-41.010	Director of Revenue	31 MoReg 1935	31 MoReg 1991		
12 CSR 10-42.110	Director of Revenue		31 MoReg 1994R		
12 CSR 10-43.010	Director of Revenue		31 MoReg 1646		
12 CSR 10-43.020	Director of Revenue		31 MoReg 1646		
12 CSR 10-43.030	Director of Revenue		31 MoReg 1647		
12 CSR 10-400.200	Director of Revenue		31 MoReg 1994		
12 CSR 10-400.210	Director of Revenue		31 MoReg 1998		
12 CSR 10-405.105	Director of Revenue		31 MoReg 2001		
12 CSR 10-405.205	Director of Revenue		31 MoReg 2001		
12 CSR 40-50.050	State Lottery		31 MoReg 1874		
12 CSR 40-80.080	State Lottery		31 MoReg 1875R		
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13 CSR 35-100.010	Children's Division	31 MoReg 1623	31 MoReg 1648	This Issue	
13 CSR 35-100.020	Children's Division	31 MoReg 1628	31 MoReg 1653	This Issue	
13 CSR 40-79.010	Family Support Division	31 MoReg 1635	31 MoReg 1662	This Issue	
13 CSR 70-2.100	Division of Medical Services		31 MoReg 1804		
13 CSR 70-3.030	Division of Medical Services		31 MoReg 2050		
13 CSR 70-3.180	Division of Medical Services		31 MoReg 1155	32 MoReg 96	
13 CSR 70-6.010	Division of Medical Services		31 MoReg 1326	32 MoReg 175	
13 CSR 70-10.030	Division of Medical Services	This Issue	This Issue		
13 CSR 70-15.110	Division of Medical Services	31 MoReg 1052			
13 CSR 70-20.031	Division of Medical Services		This Issue		
13 CSR 70-20.032	Division of Medical Services		This Issue		
13 CSR 70-20.034	Division of Medical Services		This Issue		
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14 CSR 80-5.020	State Board of Probation and Parole		31 MoReg 1428	32 MoReg 175	
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15 CSR 30-10.010	Secretary of State	31 MoReg 1129	31 MoReg 1160	31 MoReg 1884	
15 CSR 30-10.020	Secretary of State	31 MoReg 1130	31 MoReg 1160	31 MoReg 1885	
15 CSR 30-10.130	Secretary of State	31 MoReg 1132	31 MoReg 1162	31 MoReg 1886	
15 CSR 30-10.140	Secretary of State	31 MoReg 1133	31 MoReg 1163	31 MoReg 1886	
15 CSR 30-10.150	Secretary of State	31 MoReg 1134	31 MoReg 1164	31 MoReg 1887	
15 CSR 30-10.160	Secretary of State	31 MoReg 1135	31 MoReg 1165	31 MoReg 1887	
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16 CSR 10-5.010	Retirement Systems		31 MoReg 2001		
16 CSR 10-6.060	Retirement Systems		31 MoReg 2002		
16 CSR 50-10.050	The County Employees' Retirement Fund		31 MoReg 1430	32 MoReg 259	
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19 CSR 30-20.001	Division of Regulation and Licensure		This Issue		
19 CSR 30-30.010	Division of Regulation and Licensure		This Issue		
19 CSR 30-30.020	Division of Regulation and Licensure		This Issue		
19 CSR 30-40.410	Division of Regulation and Licensure		This Issue		
19 CSR 30-40.430	Division of Regulation and Licensure		This Issue		
19 CSR 30-40.450	Division of Regulation and Licensure		31 MoReg 995	31 MoReg 2017W	
19 CSR 30-82.010	Division of Regulation and Licensure		31 MoReg 1495		
19 CSR 30-83.010	Division of Regulation and Licensure		31 MoReg 1499		
19 CSR 30-84.030	Division of Regulation and Licensure		31 MoReg 1502		
19 CSR 30-84.040	Division of Regulation and Licensure		31 MoReg 1504		
19 CSR 30-86.012	Division of Regulation and Licensure		31 MoReg 1504		
19 CSR 30-86.022	Division of Regulation and Licensure		31 MoReg 1506		
19 CSR 30-86.032	Division of Regulation and Licensure		31 MoReg 1509		
19 CSR 30-86.042	Division of Regulation and Licensure		31 MoReg 1514		
19 CSR 30-86.043	Division of Regulation and Licensure		31 MoReg 1526		
19 CSR 30-86.045	Division of Regulation and Licensure		31 MoReg 1536		
19 CSR 30-86.047	Division of Regulation and Licensure		31 MoReg 1540		
19 CSR 30-86.052	Division of Regulation and Licensure		31 MoReg 1559		
19 CSR 30-87.020	Division of Regulation and Licensure		31 MoReg 1559		
19 CSR 30-87.030	Division of Regulation and Licensure		31 MoReg 1560		
19 CSR 30-88.010	Division of Regulation and Licensure		31 MoReg 1565		
19 CSR 60-50	Missouri Health Facilities Review Committee				32 MoReg 181 This Issue
19 CSR 60-50.300	Missouri Health Facilities Review Committee	31 MoReg 1382	31 MoReg 1430	This Issue	
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19 CSR 60-50.430	Missouri Health Facilities Review Committee	31 MoReg 1384	31 MoReg 1431	This Issue	
19 CSR 60-50.450	Missouri Health Facilities Review Committee	31 MoReg 1385	31 MoReg 1432	This Issue	
19 CSR 60-50.470	Missouri Health Facilities Review Committee	31 MoReg 1386	31 MoReg 1433	This Issue	
19 CSR 60-50.600	Missouri Health Facilities Review Committee	31 MoReg 1386	31 MoReg 1433	This Issue	
19 CSR 60-50.700	Missouri Health Facilities Review Committee	31 MoReg 1387	31 MoReg 1434	This Issue	
19 CSR 60-50.800	Missouri Health Facilities Review Committee	31 MoReg 1387	31 MoReg 1434	This Issue	
19 CSR 60-50.900	Missouri Health Facilities Review Committee	31 MoReg 1388	31 MoReg 1434	This Issue	
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20 CSR	Medical Malpractice				29 MoReg 505 30 MoReg 481 31 MoReg 616
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019
20 CSR 200-6.300	Financial Examination		31 MoReg 1435	32 MoReg 175	
20 CSR 400-2.135	Life, Annuities and Health		31 MoReg 1566	32 MoReg 176	
20 CSR 400-7.095	Life, Annuities and Health		32 MoReg 142		
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 2030-3.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1875		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 55		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1875		
20 CSR 2030-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1876		
20 CSR 2040-4.040	Office of Athletics (<i>Changed from 4 CSR 40-4.040</i>)		31 MoReg 1310	32 MoReg 177	
20 CSR 2040-4.090	Office of Athletics (<i>Changed from 4 CSR 40-4.090</i>)		31 MoReg 1310	32 MoReg 177	
20 CSR 2110-2.110	Missouri Dental Board (<i>Changed from 4 CSR 110-2.110</i>)		31 MoReg 1395	32 MoReg 178	
20 CSR 2110-2.114	Missouri Dental Board (<i>Changed from 4 CSR 110-2.114</i>)		31 MoReg 1395	32 MoReg 178	
20 CSR 2115-2.010	State Committee of Dietitians		32 MoReg 58		
20 CSR 2115-2.050	State Committee of Dietitians		32 MoReg 58		
20 CSR 2150-2.125	State Board of Registration for the Healing Arts (<i>Changed from 4 CSR 150-2.125</i>)		31 MoReg 1398	32 MoReg 259	
20 CSR 2150-3.010	State Board of Registration for the Healing Arts (<i>Changed from 4 CSR 150-3.010</i>)		31 MoReg 1398	32 MoReg 260	
20 CSR 2150-3.203	State Board of Registration for the Healing Arts (<i>Changed from 4 CSR 150-3.203</i>)		31 MoReg 1399	32 MoReg 260	
20 CSR 2150-4.052	State Board of Registration for the Healing Arts		31 MoReg 1876		
20 CSR 2150-5.100	State Board of Registration for the Healing Arts (<i>Changed from 4 CSR 150-5.100</i>)		31 MoReg 1399	This IssueW	
20 CSR 2150-6.020	State Board of Registration for the Healing Arts		31 MoReg 1877		
20 CSR 2150-7.135	State Board of Registration for the Healing Arts (<i>Changed from 4 CSR 150-7.135</i>)		31 MoReg 1400	This IssueW	
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		31 MoReg 1877		
20 CSR 2193-1.010	Interior Design Council		32 MoReg 148		
20 CSR 2193-1.020	Interior Design Council		32 MoReg 148		
20 CSR 2193-2.010	Interior Design Council		32 MoReg 148		
20 CSR 2193-2.040	Interior Design Council		32 MoReg 149		
20 CSR 2193-3.010	Interior Design Council		32 MoReg 149		
20 CSR 2193-3.020	Interior Design Council		32 MoReg 150		
20 CSR 2193-5.010	Interior Design Council		32 MoReg 150		
20 CSR 2200-4.100	State Board of Nursing (<i>Changed from 4 CSR 200-4.100</i>)		31 MoReg 1401	32 MoReg 260	
20 CSR 2200-4.200	State Board of Nursing (<i>Changed from 4 CSR 200-4.200</i>)		31 MoReg 1401	This IssueW	
20 CSR 2210-1.010	State Board of Optometry		32 MoReg 58		
20 CSR 2210-2.011	State Board of Optometry		32 MoReg 59		
20 CSR 2210-2.020	State Board of Optometry		32 MoReg 61		
20 CSR 2210-2.070	State Board of Optometry		32 MoReg 63		
20 CSR 2220-2.010	State Board of Pharmacy (<i>Changed from 4 CSR 220-2.010</i>)		31 MoReg 1468		
20 CSR 2220-2.020	State Board of Pharmacy (<i>Changed from 4 CSR 220-2.020</i>)		31 MoReg 1474		
20 CSR 2220-2.025	State Board of Pharmacy (<i>Changed from 4 CSR 220-2.025</i>)		31 MoReg 1474		
20 CSR 2220-2.190	State Board of Pharmacy (<i>Changed from 4 CSR 220-2.190</i>)		31 MoReg 1479		
20 CSR 2220-2.450	State Board of Pharmacy (<i>Changed from 4 CSR 220-2.450</i>)		31 MoReg 1479		
20 CSR 2220-2.500	State Board of Pharmacy				32 MoReg 99

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20 CSR 2220-2.900	State Board of Pharmacy (<i>Changed from 4 CSR 220-2.900</i>)		31 MoReg 1482		
20 CSR 2220-5.020	State Board of Pharmacy (<i>Changed from 4 CSR 220-5.020</i>)		31 MoReg 1485		
20 CSR 2220-5.030	State Board of Pharmacy (<i>Changed from 4 CSR 220-5.030</i>)		31 MoReg 1485		
20 CSR 2232-2.040	Missouri State Committee of Interpreters (<i>Changed from 4 CSR 232-2.040</i>)	31 MoReg 1465	31 MoReg 1486	32 MoReg 179	
20 CSR 2235-1.015	State Committee of Psychologists		32 MoReg 150		
20 CSR 2235-1.050	State Committee of Psychologists		32 MoReg 151		
20 CSR 2235-1.063	State Committee of Psychologists		32 MoReg 151		
20 CSR 2235-5.030	State Committee of Psychologists (<i>Changed from 4 CSR 235-5.030</i>)		31 MoReg 1212R 31 MoReg 1212	32 MoReg 179R 32 MoReg 179	
20 CSR 2235-7.020	State Committee of Psychologists (<i>Changed from 4 CSR 235-7.020</i>)		31 MoReg 1218	32 MoReg 180	
20 CSR 2235-7.030	State Committee of Psychologists (<i>Changed from 4 CSR 235-7.030</i>)		31 MoReg 1218	32 MoReg 180	
20 CSR 2245-1.010	Real Estate Appraisers		32 MoReg 63		
20 CSR 2245-1.020	Real Estate Appraisers		32 MoReg 63R		
20 CSR 2245-2.020	Real Estate Appraisers		32 MoReg 64		
20 CSR 2245-2.040	Real Estate Appraisers		32 MoReg 64R		
20 CSR 2245-2.050	Real Estate Appraisers		32 MoReg 64		
20 CSR 2245-3.005	Real Estate Appraisers		32 MoReg 65		
20 CSR 2245-3.010	Real Estate Appraisers		32 MoReg 69		
20 CSR 2245-3.020	Real Estate Appraisers		32 MoReg 72		
20 CSR 2245-4.040	Real Estate Appraisers		32 MoReg 72		
20 CSR 2245-4.050	Real Estate Appraisers		32 MoReg 72		
20 CSR 2245-4.060	Real Estate Appraisers		32 MoReg 73		
20 CSR 2245-5.010	Real Estate Appraisers		32 MoReg 73		
20 CSR 2245-5.020	Real Estate Appraisers		32 MoReg 74		
20 CSR 2245-6.015	Real Estate Appraisers		32 MoReg 77		
20 CSR 2245-6.020	Real Estate Appraisers		32 MoReg 78R		
20 CSR 2245-6.030	Real Estate Appraisers		32 MoReg 78R		
20 CSR 2245-6.040	Real Estate Appraisers		32 MoReg 79		
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22 CSR 10-2.010	Health Care Plan	32 MoReg 209	32 MoReg 245		
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- 2 CSR 110-2.010** Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program 31 MoReg 1293 February 23, 2007

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- 8 CSR 50-2.030** Resolution of Medical Fee Disputes 31 MoReg 1377 February 27, 2007

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- 10 CSR 20-4.023** State Forty Percent Construction Grant Program Next Issue August 30, 2007
10 CSR 20-4.030 Grants for Sewer Districts and Certain Small Municipal Sewer Systems. Next Issue August 30, 2007
10 CSR 20-4.061 Storm Water Grant and Loan Program Next Issue August 30, 2007
10 CSR 20-7.050 Methodology for Development of Impaired Waters List 31 MoReg 1845 April 23, 2007
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10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Supply Systems Next Issue August 30, 2007

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- 11 CSR 10-5.010** Missouri Veterans' Recognition Program 31 MoReg 1380 February 24, 2007

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- 11 CSR 45-13.055** Emergency Order Suspending License Privileges—Expedited Hearing . . 32 MoReg 5 June 7, 2007

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- 12 CSR 10-41.010** Annual Adjusted Rate of Interest 31 MoReg 1935 June 29, 2007

Department of Social Services**Children's Division**

- 13 CSR 35-100.010** Residential Treatment Agency Tax Credit 31 MoReg 1623 March 29, 2007
13 CSR 35-100.020 Emergency Resource Center Tax Credit 31 MoReg 1628 March 29, 2007

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- 13 CSR 40-79.010** Domestic Violence Shelter Tax Credit. 31 MoReg 1635 March 29, 2007

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- 13 CSR 70-10.030** Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services This Issue August 1, 2007

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- 15 CSR 30-10.010** Definitions 31 MoReg 1129 February 22, 2007
15 CSR 30-10.020 Certification Statements for New or Modified Electronic Voting Systems 31 MoReg 1130 February 22, 2007
15 CSR 30-10.130 Voter Education and Voting Device Preparation (DREs and Precinct Counters). 31 MoReg 1132 February 22, 2007
15 CSR 30-10.140 Electronic Ballot Tabulation—Counting Preparation and Logic and Accuracy Testing (DREs and Precinct Counters) 31 MoReg 1133 February 22, 2007
15 CSR 30-10.150 Closing Polling Places (Precinct Counters and DREs) 31 MoReg 1134 February 22, 2007
15 CSR 30-10.160 Electronic Ballot Tabulation—Election Procedures (Precinct Counters and DREs). 31 MoReg 1135 February 22, 2007
15 CSR 30-51.180 Exemptions from Registration for Broker-Dealers, Agents, Investment Advisors, and Investment Advisors Representatives. Next Issue August 10, 2007

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- 19 CSR 60-50.300** Definitions for the Certificate of Need Process 31 MoReg 1382 February 23, 2007
19 CSR 60-50.400 Letter of Intent Process 31 MoReg 1382 February 23, 2007
19 CSR 60-50.410 Letter of Intent Package 31 MoReg 1383 February 23, 2007
19 CSR 60-50.430 Application Package 31 MoReg 1384 February 23, 2007
19 CSR 60-50.450 Criteria and Standards for Long-Term Care 31 MoReg 1385 February 23, 2007
19 CSR 60-50.470 Criteria and Standards for Financial Feasibility. 31 MoReg 1386 February 23, 2007
19 CSR 60-50.600 Certificate of Need Decisions 31 MoReg 1386 February 23, 2007

19 CSR 60-50.700	Post-Decision Activity	31	MoReg 1387	February 23, 2007
19 CSR 60-50.800	Meeting Procedures	31	MoReg 1387	February 23, 2007
19 CSR 60-50.900	Administration	31	MoReg 1388	February 23, 2007

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20 CSR 500-5.020	Medical Malpractice Insurance Rate Filings	Next Issue	August 10, 2007
20 CSR 500-5.025	Determination of Inadequate Rates	Next Issue	August 10, 2007
20 CSR 500-5.026	Determination of Excessive Rates	Next Issue	August 10, 2007
20 CSR 500-5.027	Determination of Unfairly Discriminatory Rates	Next Issue	August 10, 2007

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20 CSR 2232-2.400	Certification Recognized by the Board	31	MoReg 1465	February 27, 2007
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Missouri Consolidated Health Care Plan

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22 CSR 10-2.010	Definitions	32	MoReg 209	June 29, 2007
22 CSR 10-2.060	PPO and Co-Pay Plan Limitations	32	MoReg 210	June 29, 2007
22 CSR 10-2.067	HMO and POS Limitations	32	MoReg 210	June 29, 2007
22 CSR 10-2.090	Pharmacy Benefit Summary	32	MoReg 211	June 29, 2007

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Orders****Subject Matter****Filed Date****Publication****2007**

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	This Issue
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	This Issue
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	This Issue
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	This Issue
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	Next Issue
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	Next Issue
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	Next Issue

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06-01	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
06-04	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
06-05	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
06-06	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
06-07	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
06-08	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
06-09	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
06-10	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
06-11	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
06-12	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
06-13	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584

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06-14	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
06-15	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
06-16	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
06-17	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
06-18	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
06-19	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055
06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
06-29	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
06-30	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
06-31	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
06-32	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
06-33	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847
06-34	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
06-35	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
06-36	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
06-37	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
06-38	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
06-39	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
06-40	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
06-41	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865

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06-42	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	31 MoReg 1936
06-43	Closes state offices on Friday, November 24, 2006	October 24, 2006	31 MoReg 1938
06-44	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	31 MoReg 1939
06-45	Directs the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report	November 27, 2006	32 MoReg 6
06-46	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	December 1, 2006	32 MoReg 127
06-47	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	December 1, 2006	32 MoReg 129
06-48	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	December 1, 2006	32 MoReg 131
06-49	Directs the Department of Mental Health to implement recommendations from the Mental Health Task Force to protect client safety and improve the delivery of mental health services	December 19, 2006	32 MoReg 212
06-50	Extends the declaration of emergency contained in Executive Order 06-46 and the terms of Executive Order 06-48 through March 1, 2007, for the purpose of continuing the cleanup efforts in the affected Missouri communities	December 28, 2006	32 MoReg 214

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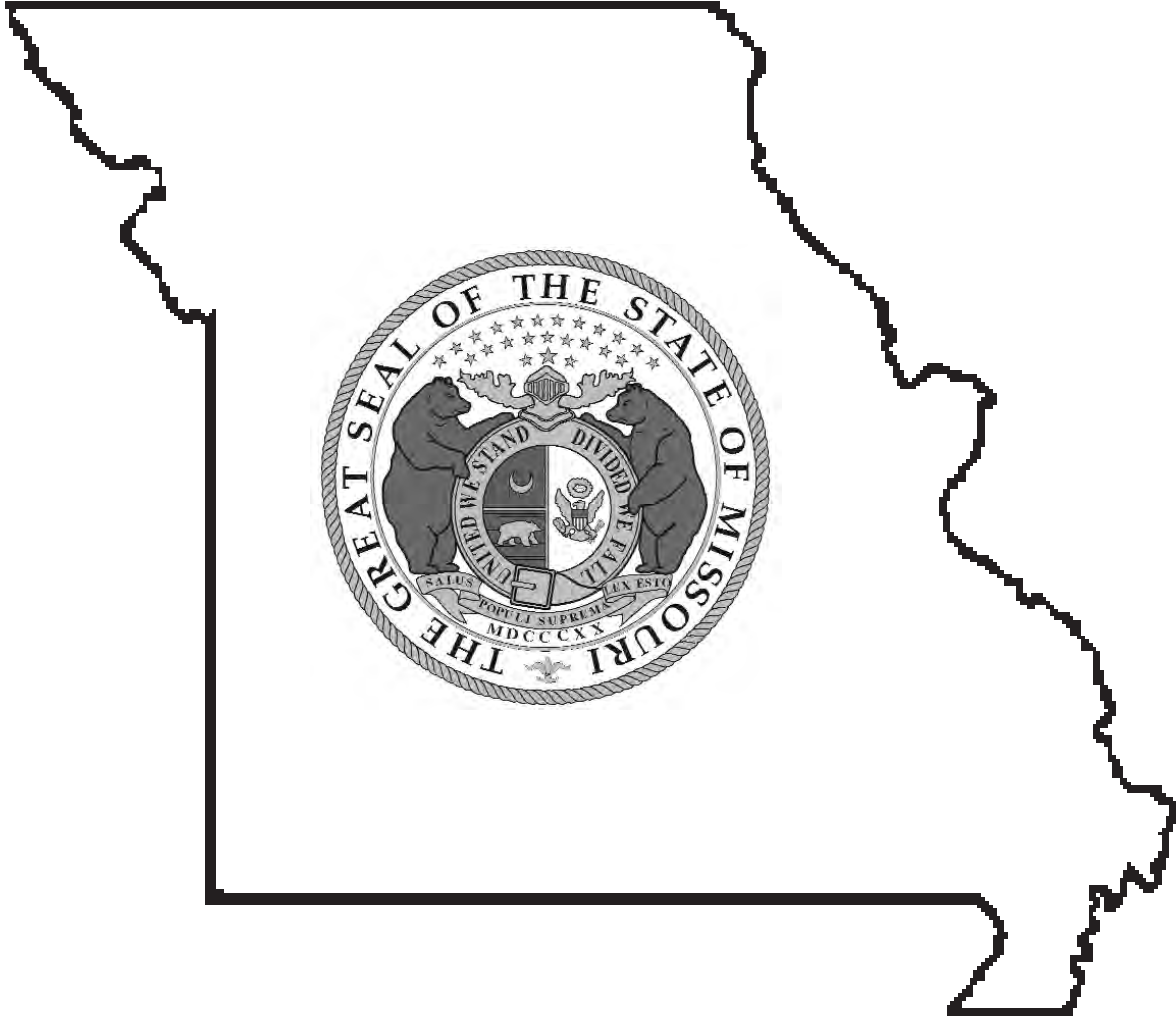
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